

Committee: Planning Committee
Date: Thursday 25 October 2018
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor David Hughes (Chairman)	Councillor James Macnamara (Vice-Chairman)
Councillor Andrew Beere	Councillor Maurice Billington
Councillor Phil Chapman	Councillor Colin Clarke
Councillor Ian Corkin	Councillor Surinder Dhesi
Councillor Chris Heath	Councillor Simon Holland
Councillor Mike Kerford-Byrnes	Councillor Alan MacKenzie-Wintle
Councillor Richard Mould	Councillor Cassi Perry
Councillor D M Pickford	Councillor Lynn Pratt
Councillor G A Reynolds	Councillor Les Sibley

Substitutes

Councillor Mike Bishop	Councillor John Broad
Councillor John Donaldson	Councillor Timothy Hallchurch MBE
Councillor Tony Ilott	Councillor Tony Mephram
Councillor Barry Richards	Councillor Nicholas Turner
Councillor Douglas Webb	Councillor Barry Wood
Councillor Sean Woodcock	

AGENDA

1. **Apologies for Absence and Notification of Substitute Members**
2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chairman to report on any requests to address the meeting.

4. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. Minutes (Pages 1 - 11)

To confirm as a correct record the Minutes of the meeting of the Committee held on 20 September 2018.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **South East Bicester, Wretchwick Way, Bicester (Pages 14 - 41) 16/01268/OUT**
8. **Caravan Park, Station Approach, Banbury, OX16 5AB (Pages 42 - 61)
18/00293/OUT**
9. **Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN
(Pages 62 - 84) 18/00792/OUT**
10. **Dewey Sports Centre, Barley Close, Bloxham, Banbury, OX15 4NJ
(Pages 85 - 109) 18/01252/F**
11. **Bicester Heritage, Buckingham Road, Bicester (Pages 110 - 147) 18/01253/F**
12. **Land Adj To Cotwold Country Club And South Of Properties On Bunkers Hill,
Shipton On Cherwell (Pages 148 - 164) 18/01491/OUT**
13. **Warehouse Car Park And Land At Jacobs Douwe Edberts, Ruscote Avenue,
Banbury (Pages 165 - 174) 18/01246/F**
14. **Stourwell Barn, Swalcliffe, Banbury, OX15 5EX (Pages 175 - 186) 18/01555/F**
15. **OS Parcels 0069 4900 7761 7980 7600 0003 And 3100 North East Of Dewars
Farm And East, Ardley Road, Middleton Stoney (Pages 187 - 195)
18/01610/CM**

Review and Monitoring Reports

16. Appeals Progress Report (Pages 196 - 202)

Report of Assistant Director for Planning Policy and Development

Summary

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Aaron Hetherington, Democratic and Elections
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Yvonne Rees
Chief Executive

Published on Wednesday 17 October 2018

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 20 September 2018 at 4.00 pm

- Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)
- Councillor Andrew Beere
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor Cassi Perry
Councillor D M Pickford
Councillor G A Reynolds
Councillor Les Sibley
- Substitute Members: Councillor Barry Wood (In place of Councillor Phil Chapman)
- Apologies for absence: Councillor Maurice Billington
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Richard Mould
Councillor Lynn Pratt
- Officers: Paul Seckington, Senior Manager Development Management
Aaron Hetherington, Democratic and Elections Officer
Jim Newton, Assistant Director: Planning Policy and Development
Nat Stock, Minors Team Leader
Andrew Lewis, Principal Planning Officer
Matt Chadwick, Senior Planning Officer
George Smith, Planning Officer
Paul Ihringer, Householder Team Leader
Bob Duxbury, Joint Majors Manager

Declarations of Interest

10. The Old Malthouse, St Johns Road, Banbury.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Surinder Dhesi, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

11. The Old Malthouse, St Johns Road, Banbury.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Surinder Dhesi, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

14. Showroom, Antelope Garage, Swan Close Road, Banbury.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Surinder Dhesi, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

15. Eco Business Centre, Charlotte Avenue, Bicester OX27 8BL.

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

16. Part of Former BHS Unit, 36-37 Castle Quay, Banbury OX16 5UN.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Surinder Dhesi, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

17. Slighte, 18B Bridge Street, Banbury OX16 5PM.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Surinder Dhesi, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

18. Woodgreen Leisure Centre, Woodgreen Avenue, Banbury OX16 0HS.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Surinder Dhesi, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

The Chairman advised that requests to address the meeting would be dealt with at each item.

68 **Urgent Business**

There were no items of urgent business.

69 **Minutes**

The Minutes of the meeting held on 23 August 2018 were agreed as a correct record and signed by the Chairman.

70 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

71 **Heyford park, Camp Road, Upper Heyford, Bicester OX25 5HD**

The Committee considered application 16/02446/F for the erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works at Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD for Heyford Investments LLP.

In reaching their decision the committee considered the officers' report, presentation and written update.

Resolved

That application 16/02446/F be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. Negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms set in para 8.79 and subsequent completion of S106 agreement;
2. Resolution of the Highway Authority objection to the Assistant Director's satisfaction
3. Referral to Department for Communities and Local Government for consideration of the need for Call-in.

4. The conditions set out below (and any amendments to those conditions as deemed necessary):
 1. Commencement Date
 2. Approved plans and documents
 3. Submission of additional matters
 4. Materials to be approved
 5. Landscaping-commencement
 6. Landscaping-commencement
 7. Landscape time frame
 8. Boundary Treatment
 9. LEMP
 10. Construction traffic management plan
 11. Full details of bus route
 12. Full details of bridleway
 13. Drainage strategy and SUDS maintenance
 14. Cycle Parking
 15. Details of footpath connection to SE
 16. Spec of roads, paths
 17. Spec for drives, turning areas
 18. Parking, manoeuvring-Details
 19. Estate roads-completion
 20. Main access details-visibility
 21. Travel Info Pack
 22. Fire Hydrants
 23. CEMP
 24. Contamination 1
 25. Contamination 2
 26. Contamination 3
 27. Remediation Strategy
 28. Mitigation Strategy for Bats
 29. Bat/Newt Licence Required
 30. Landscape and Ecological Management Plan
 31. Biodiversity
 32. TWU-waste
 33. TWU-Foul Water Drainage Strategy
 34. Sport England-Replacement PF

72

Dewey Sports Centre, Barley Close, Bloxham, Banbury OX15 4NJ

The Committee considered application 18/01252/F for the erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping at Dewey Sports Centre, Barley Close, Bloxham, Banbury, OX15 4NJ for Bloxham School.

In introducing the application, the Senior Manager, Development Management referred Members to the written update and that the officer recommendation from approval to deferral to allow officers more time to prepare a more comprehensive and thorough report.

In reaching their decision, the committee considered the officers' presentation, report and written update.

Resolved

That consideration of application 18/01252/F be deferred to allow officers more time to prepare a more comprehensive and thorough report.

73 **OS Parcel 8233 South of Baynards Green Farm, Street to Horwell Farm, Baynards Farm**

The Committee considered application 18/00672/OUT for an outline development for up to 7,161 m² of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping at OS Parcel 8233 South of Baynards Green Farm, Street to Horwell Farm, Baynards Green for Brunel Securities LLP And The Curtis Family.

David Marler, Director at CMS, addressed the committee in objection to the application.

Nick Shute, the applicant's agent, addressed the committee in support of the application.

In reaching their decision, the committee considered the officers' report, presentation, written update and the address of the public speakers.

Resolved

That application 18/00672/OUT be refused for the following reasons:

1. The proposed development would result in the creation of a commercial development, more appropriate in terms of size and scale for a urban location, in a geographically unsustainable location and would not reduce the need to travel or offer a genuine choice of travel modes. The Council do not consider that exceptional circumstances have been demonstrated and as such the proposal is contrary to the Councils employment strategy contained in Policy SLE1 and ESD1 of the Cherwell Local Plan Part 1 and advice in the NPPF.
2. The proposed development would cause unjustified visual intrusion and harm into the open countryside and result in sporadic development in the open countryside to the detriment of the character and appearance of the countryside. The proposal is therefore contrary to Policies SLE1, ESD13 and ESD15 of the Cherwell Local Plan, Saved Policy C8 of the Cherwell Local Plan 1996 and advice in the NPPF.
3. The proposed development fails to robustly demonstrate that traffic impacts of the development are, or can be made acceptable. As such the proposal is contrary to Policy SLE4 of the Cherwell Local Plan Part 1 and advice in the NPPF.

74 **The Old Malthouse, St Johns Road, Banbury**

The Committee considered application 18/01158/F for the change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area (Resubmission of 17/02167/F) at The Old Malthouse, St Johns Road, Banbury for Mr M Morrison, Morrison Property Consultants Limited.

Johannes Paul, speaking on behalf of Omlet, addressed the committee in objection. This address also covered the subsequent application.

Mark Morrison, agent for the applicant, addressed the committee in support to the application. This address also covered the subsequent application.

In reaching their decision, the committee considered the officers' report, presentation and address of the public speakers.

Resolved

That application 18/01158/F be refused for the following reasons:

1. The applicant has failed to demonstrate through a robust marketing exercise that the site is no longer viable to be retained for its existing employment use. The proposed development would therefore lead to the unjustified loss of employment land in a sustainable location and result in economic harm contrary to Policy SLE1 of the Cherwell Local Plan Part 1 (2015) and advice in the NPPF.
2. The proposed development would result in less than substantial harm to the significance of the listed building and conservation area through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

75

The Old Malthouse, St Johns Road, Banbury

The committee considered application 18/01159/LB, listed building consent for the change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area (Resubmission of 17/02168/LB) The Old Malthouse, St Johns Road, Banbury for Mr M Morrison, Morrison Property Consultants Limited.

Johannes Paul, speaking on behalf of Omlet, addressed the committee in objection. This address also covered the previous application.

Mark Morrison, agent for the applicant, addressed the committee in support of the application. This address also covered the previous application.

In reaching their decision the committee considered the officers' report, presentation and address of the Ward member and public speakers.

Resolved

That application 18/01159/LB be refused for the following reason:

1. The proposed development would result in less than substantial harm to the significance of the listed building through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

76 **Land West of Fabis House, Rattlecombe Road, Shenington**

The Committee considered application 18/01114/F for the conversion of barn to form new dwelling at Land North West of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

Councillor Reynolds proposed that application be deferred to allow further consultation on amended plans received. Councillor Beere seconded the proposal.

In reaching their decision the committee considered the officers' report, presentation and written updates.

Resolved

That application 18/01114/F be deferred to allow further consultation on amended plans received.

77 **Land West of Fabis House, Rattlecombe Road, Shenington**

The Committee considered application 18/01115/LB, listed building consent for the conversion of barn to form new dwelling at Land North West of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

Councillor Reynolds proposed that application be deferred to allow further consultation on amended plans received. Councillor Beere seconded the proposal.

In reaching their decision the committee considered the officers' report, presentation and written updates.

Resolved

That application 18/01114/F be deferred to allow further consultation on amended plans received.

78

Showroom, Antelope Garage, Swan Close Road, Banbury

The Committee considered application 18/01214/F for the change of use to B8 storage and distribution with ancillary Class A1 shops and B1 offices at Showroom, Antelope Garage, Swan Close Road, Banbury for Salvation Army Trading Company Limited.

In reaching their decision the committee considered the officers' report and presentation.

Resolved

That application 18/01214/F be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time
2. Plans
3. Five year temporary permission
4. Details of cycle and car parking

79

Eco Business Centre, Charlotte Avenue, Bicester OX27 8BL

The Committee considered application 18/00307/DISC for the discharge of condition 6 (zero carbon off site) of previously approved application 17/00573/CDC at Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL for Cherwell District Council.

In reaching their decision the committee considered the officers' report and presentation.

Resolved

That Planning Condition 6 be cleared in accordance with the following:

Condition 6

Approval is given for the details of the offsite measures that enable the scheme to achieve the zero carbon standard as set out in the information submitted with the application. The pre-occupation requirements of the condition are therefore satisfied.

80

Part of Former BHS Unit, 36-37 Castle Quay, Banbury OX16 5UN

The Committee considered application 18/01426/F for the installation of new entrance doors in the north western elevation of former BHS unit to allow pedestrian access to shopping centre from south multi-storey car park at Part of Former BHS Unit, 36 - 37 Castle Quay, Banbury, OX16 5UN for Cherwell District Council.

In reaching their decision the committee considered the officers' report and presentation.

Resolved

That authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time Limit
2. Compliance with the Approved plans

81 **Slighte, 18B Bridge Street, Banbury OX16 5PM**

The Committee considered application 18/00327/DISC for the discharge of Condition 4 (canopy details) of 17/00243/F at Slighte, 18B Bridge Street, Banbury, OX16 5PN for Cherwell District Council.

In reaching their decision the committee the officers' report and presentation.

Resolved

That the conditions for application 18/00327/DISC be applied for be discharged in accordance with the following plans and documents:

Condition 4

The details shown on drawing number 6778.23 A

82 **Woodgreen Leisure Centre, Woodgreen Avenue, Banbury OX16 0HS**

The Committee considered application 18/01014/F for the erection of 2 no storage buildings and the erection of fencing enclosing site area Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS for Tracie Collins.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time Limit
2. Compliance with the approved plans

83 **Appeals Progress Report**

The Assistant Director for Planning Policy and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.15 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

25 October 2018

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

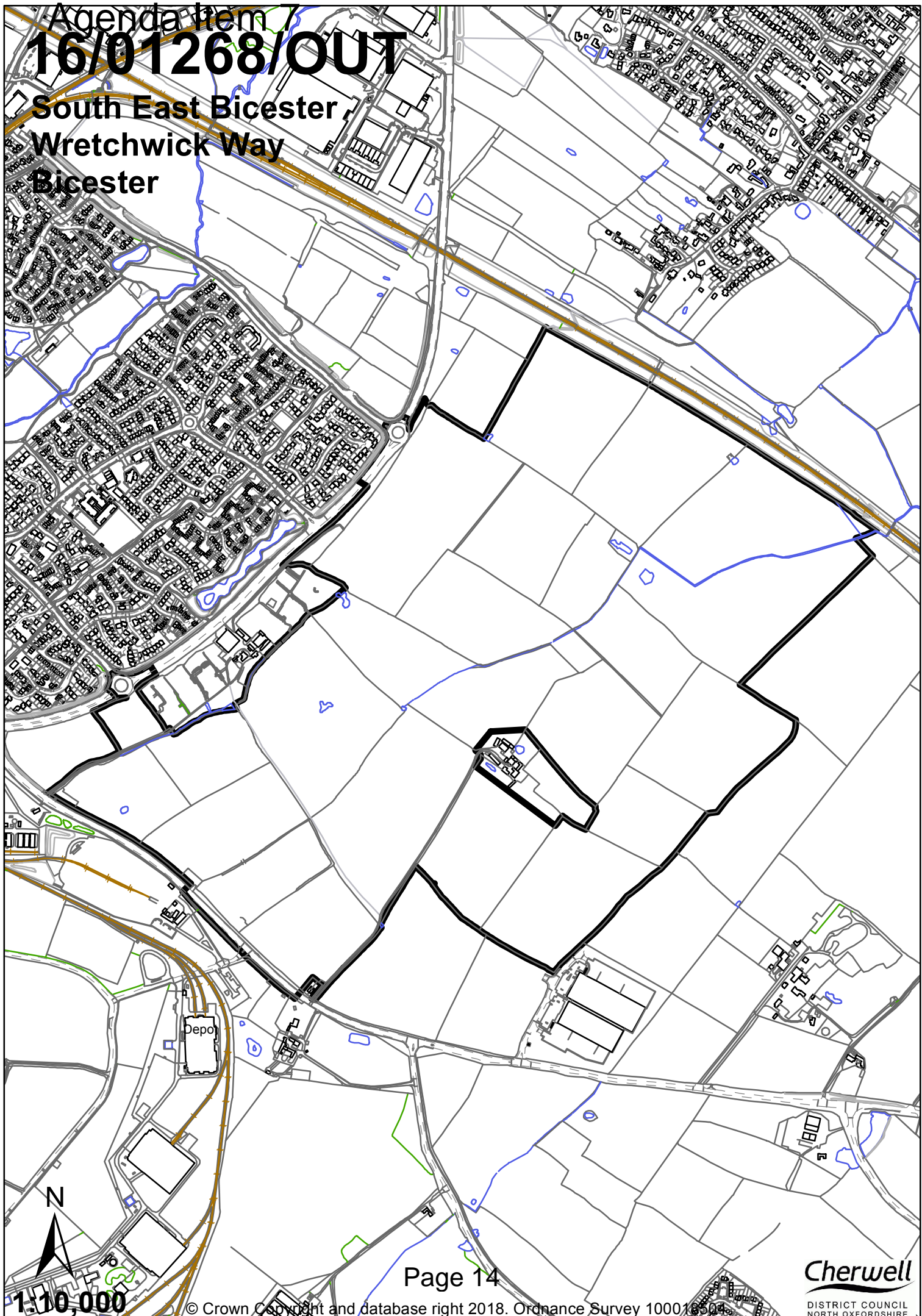
Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site

	Site	Application No.	Ward	Recommendation	Contact Officer
7	South East Bicester Wretchwick Way Bicester	16/01268/OUT	Bicester South And Ambrosden	Approval	Gavin Forrest
8	Caravan Park Station Approach Banbury OX16 5AB	18/00293/OUT	Banbury Grimsbury And Hightown	Approval	Bob Duxbury
9	Land At Tappers Farm Oxford Road Bodicote Banbury OX15 4BN	18/00792/OUT	Adderbury, Bloxham And Bodicote	Approval	Clare O'Hanlon
10	Dewey Sports Centre Barley Close Bloxham Banbury OX15 4NJ	18/01252/F	Adderbury, Bloxham And Bodicote	Refusal	John Gale
11	Bicester Heritage Buckingham Road Bicester	18/01253/F	Launton And Otmoor	Approval; subject to conditions, no objections from highways and the finalisation of a S106 agreement	Maria Philpott
12	Land Adj To Cotwold Country Club And South Of Properties On Bunkers Hill Shipton On Cherwell	18/01491/OUT	Launton And Otmoor	Approval	Shona King
13	Warehouse Car Park And Land At Jacobs Douwe Edberts Ruscote Avenue Banbury	18/01246/F	Banbury Cross And Neithrop	Approval	Shona King
14	Stourwell Barn Swalcliffe Banbury OX15 5EX	18/01555/F	Cropredy, Sibfords And Wroxton	Approval	Bob Neville
15	OS Parcels 0069 4900 7761 7980 7600 0003 And 3100 North East Of Dewars Farm And East Ardley Road, Middleton Stoney	18/01610/CM	Fringford And Heyfords	That Oxfordshire County Council is advised that Cherwell District Council raise no objection to the proposal	Gemma Magnuson

Agenda Item 7
16/01268/OUT

**South East Bicester
Wretchwick Way
Bicester**

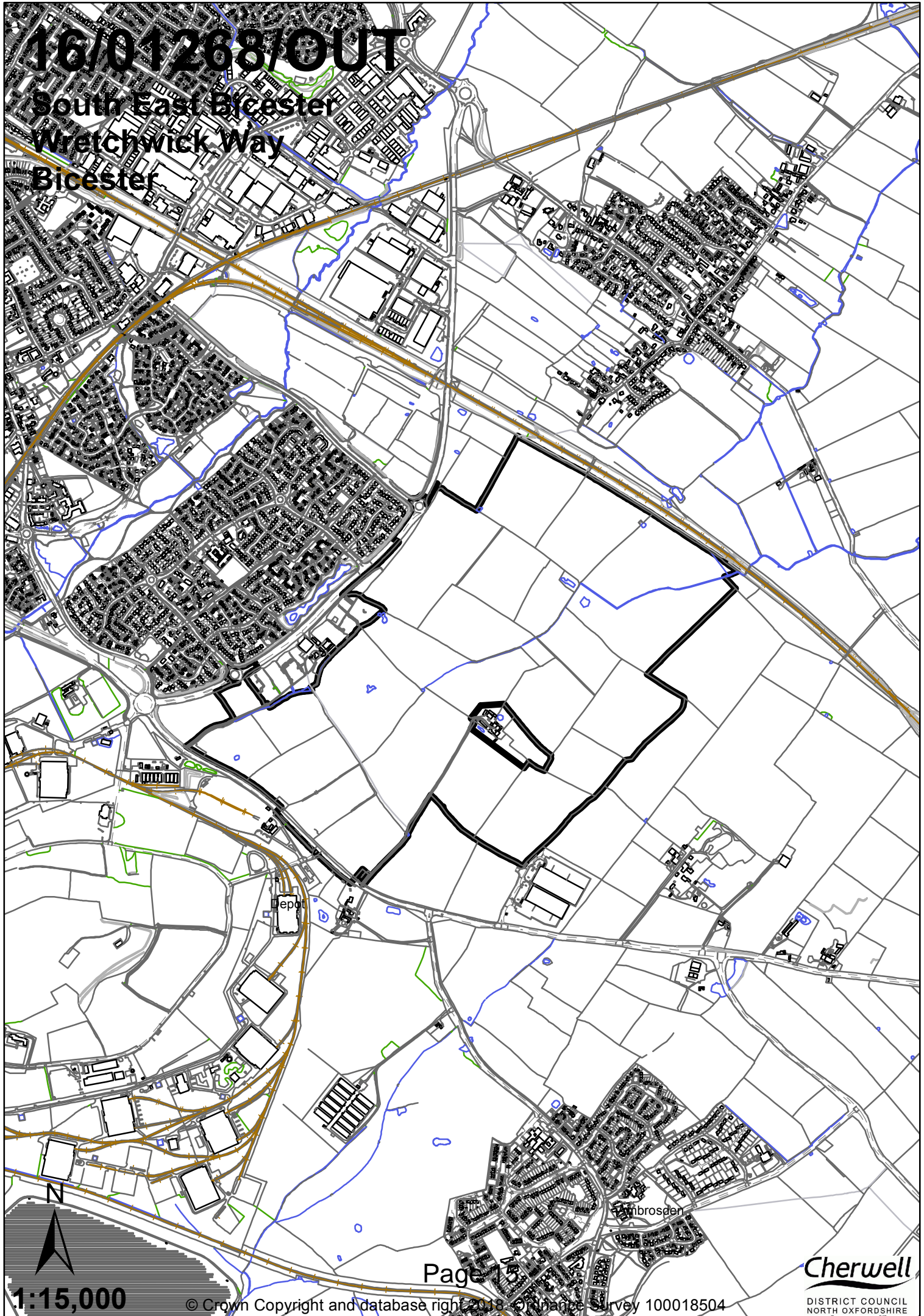


16/01268/OUT

South East Bicester

Wretchwick Way

Bicester



Depot

Wimbrosden

**South East Bicester
Wretchwick Way
Bicester**

16/01268/OUT

Applicant: Redrow Homes/Wates Developments - Mr M Stock & Mr J Tarvit

Proposal: Outline application with all matters reserved apart from access for residential development including up to 1,500 dwellings, up to 7ha of employment land for B1 and/ or B8 uses, a local centre with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from the A41 and A4421, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson, Cllr Dan Sames, Cllr Lucinda Wing

Reason for Referral: Major Application **Recommendation:** Approval

Expiry Date: 28 September 2016 **Committee Date:**
25 October 2018

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Outline permission is sought with all matters reserved apart from access for residential development including up to 1,500 dwellings, 7 ha employment land, a local centre and a Primary School. Vehicular access is proposed from the A41 and A4421.

The site is situated to the south east of the main settlement of Bicester, north east of Graven Hill and south of the Birmingham-London railway line. The area is currently open pasture.

Consultations

The following consultees have raised **objections/discussions ongoing**:

- Ambrosden Parish Council, Bicester Town Council, Blackthorn Parish Council, Environment Agency, OCC Highways, OCC Drainage, CDC Urban Design

The following consultees have raised **no objections**:

- Natural England, Network Rail, Thames Water Historic England, Oxfordshire Care Commissioning Group, CDC Waste and recycling, CDC Strategic Housing, CDC Recreation and Leisure, CDC Landscape, CDC Arboriculture, Thames Valley Policy, Sports England, CDC Ecology, Highways England

10 Letters of **objection** have been received regarding this application.

Planning Policy

The application site is situated to the south east of the main settlement of Bicester. The site has been identified within the Cherwell Local Plan 2011-2031. Policy Bicester 12 identifies the site for approximately 3,000 jobs, Mixed B1, B2 and B8 Uses (primarily B8) 1500 dwellings, 30% affordable housing. The development will provide Open Space, community facilities (Local Centre), access and highway improvements, schools etc.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Assessment

The key issues arising from the amended application details are:

- Principle of Development;
- Highways;
- Layout and densities of dwellings;
- Urban design and layout of the Local Centre;
- Ecology;
- Environmental Impact;
- Infrastructure;
- Section 106 Agreement;
- Employment use classes and numbers of jobs created;
- Impact on the Scheduled Ancient Monument and proposed Buffer Zone;
- Landscape and Visual Impact;

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions and the conclusion of a Section 106 agreement. The scheme meets the requirements of relevant CDC policies

RECOMMENDATION – DELEGATE TO OFFICERS TO GRANT PERMISSION SUBJECT TO CONDITIONS, NO OBJECTION FROM HIGHWAYS IN RESPECT OF REVISED MODELLING AND A S106 AGREEMENT TO SECURE INFRASTRUCTURE

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The proposed development site measures approximately 130 hectares and is located to the south east of the main urban area of Bicester. The A41 (T) Bicester to Aylesbury Road is to the south, and Wretchwick Way (A4421) runs along the western boundary. The London-Birmingham railway line lies to the north of the site.
- 1.2. The site consists predominantly of farmland associated with Middle Wretchwick Farm which is situated between the 2 sections of the deserted medieval village of Wretchwick, Little Wretchwick Farm which is centrally located, yet excluded from the proposed site and Manor Farm. The agricultural fields are generally flat with minor deviations. The embankment/bund to the railway is a visually dominant feature to the north of the site.

- 1.3. The west of the site includes the Wretchwick deserted medieval village, which is a designated Scheduled Ancient Monument (SAM). This proposed site is outside of the development bounds and will have a protective buffer situated around it.
- 1.4. The site has a number of Public Rights of Way's running through the site. The area is broken up by traditional mature hedging which are important within the site, due to their visual prominence, their maturity and their use. There are small clusters of trees within the site although the majority of the trees within the site have little arboriculture or visual importance. No Tree preservation orders existing within the site.
- 1.5. The site is allocated under Cherwell Local Development Plan Policy Bicester 12, detailed in paragraph 2.4 below. The surrounding area has been the subject of extensive residential development recently with the development of Graven Hill and the immediately adjacent employment site at Symmetry Park, which is for light industrial use. These sites are situated south/ south west of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Outline planning permission is sought for the mixed use development to the South East of Bicester, with all matters reserved except for access. The application was originally submitted in 2016 and the masterplan has undergone amendments at the request of the Local Planning Authority. The application description is;
 - residential development including up to **1,500 dwellings**,
 - up to **7ha of employment** land for B1 and/ or B8 uses,
 - **a local centre** with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1,
 - up to a 3 Form Entry **Primary School**,
 - **drainage works** including engineering operations to re-profile the land and
 - primary **access** points from the A41 and A4421,
 - and pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems.
- 2.2. Cherwell Local Plan, Policy Bicester 12, identifies the parameters which need to be addressed through any application for the development of the site, including masterplan submission. The proposals have been amended several times over the last two years and more recently in June 2018 and October 2018 to include and react to a number of the parameters set out.

Housing

- 2.3. The proposed development is a mixed use development which intends to include up to 1500 dwellings of a mixed tenure properties, including affordable housing. The final number of dwellings will be determined through the reserved matters application. The affordable housing will account for 30% of the total housing on the site.

Employment

- 2.4. The proposed employment site has been reduced through the course of the application. The final figure of land allocated for employment is 6.6 hectares and will include flexible provision of accommodation within use class B1 and/or B2 and /or B8. The uses can be controlled through the imposition of condition. Local Plan Policy Bicester 12 detailed that 3,000 jobs would be created over an employment

area where as the proposals are envisaging between 752-868 jobs. The justification for the dramatic reduction in the amount of employment floor area is due to the reduction in the overall developable area resulting from the site constraints. This will be detailed further under paragraphs 8.18 - 8.26.

- 2.5. The proposed employment areas have been directed to the south eastern section of the site, in an area adjacently north to the previously approved/ ongoing Symmetry Park development.

Local Centre

- 2.6. The proposed development will create a mixed use local centre which has changed significantly from the original submission. Previously the local centre was proposed to straddle the primary spine road through the site. However the approach currently has shifted to accommodate the centre primarily on the southern side of the proposed road. The proposed Local Centre will measure approximately 2.03 hectares.
- 2.7. The proposed local centre will include a multifunctional community hall measuring approximately 650 square metres, a convenience store of approximately 540 square metres, children's day nursery creating 600 square metres of space, internal and external, 3, 75 square metre A1 retail units, a 75 square metre D1 Unit (doctor, dentist, vet etc) and an A5 unit (hot food takeaway) of similar size, a care home creating approximately 60 units and circa 90 residential units. The residential uses are primarily focused on the northern side of the spine road with Cutters Brook Park beyond that. The policy also includes the site now known as Symmetry Park has Planning permission for.....

Primary School

- 2.8. The local centre will adjoin a primary school within the site. The land proposed for the school will measure approximately 3.1 hectares to accommodate a 3 form entry primary school. The school, as with the majority of the local centre has changed position and appearance since the application was originally submitted. The school has been relocated to an area, with the playing fields, to ensure that they are no longer within the flood plain.

Access and Roads

- 2.9. A large amount of the land associated with the development is enveloped through the requirement for access and internal circulation roads. A new spur road will be created from the Wretchwick Way/Gavray Drive Junction of the existing roundabout junction A4421 Wretchwick Way to the immediate west of the site. A new 4 armed round-a-bout will be created on the A4 Aylesbury Road at the junction with Pioneer Road in the southern area of the site. Again, alterations to the masterplan have resulted in changes with the vehicular access to the south of the Scheduled Ancient Monument, which ran through the SAM buffer, has been removed with just pedestrian and cyclist access now proposed. These alterations were in response to the initial consultation response received from Historic England.
- 2.10. The internal circulation roads also include a link road centrally through the site which will connect both the northern and southern accesses proposed. This will for the primary road network through the site. There will also be a scheme of smaller residential access roads.

2.11. The proposed roads proposals are still currently being assessed by OCC Highways and this section will be updated prior to the Committee date, as per sections 8.8-8.17.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/00055/SO	Screening Opinion - Development of land to provide up to 800 new dwellings and 22.5 h employment land for B1, B2 and B3 uses with associated highway improvements, public open space, landscaping and infrastructure	Screening Opinion requesting EIA
15/00014/SO	Screening Opinion - Mixed-use development to provide up to 1,500 new dwellings, up to 24 ha of employment land, a new primary school, a small local centre and community facilities, a perimeter road and other associated highway improvements, public open space, landscaping and infrastructure.	Screening Opinion requesting EIA

3.2. The application has undergone screening opinions but no official pre application applications have been received in relation to this application.

4. PRE-APPLICATION DISCUSSIONS

4.1. No formal pre-application discussions took place with regard to this proposal

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 29.08.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. Ten letters of **objection** have been received regarding this application. The comments raised by third parties are summarised as follows:

- If a pelican crossing will be put in to allow the people from the new estate to cross and walk to the train station / town, where would it be positioned?
- This new development seems to be far inferior to the North West Bicester Eco development. Are we in the south east of Bicester becoming the industrial half? It

looks like it and yet we have easy access to the new railway line to reach centres of employment.

- There are brown field sites in Bicester for industry without building on green farmland.
- The spine road was designed as a relief road by OCC and will be taking HGVs from the A41 across a housing estate. A clearer indication of traffic number is required
- One Pelican crossing is not sufficient for children to cross a fast major road. A major road through the middle of an estate carrying HGVs is bad town planning. The OCC road alone is sufficient grounds for objection.
- The housing seems very dense. I appreciate that the planners have left us a space for wildlife up the northern end. However 90% of the houses are at a density of 45 dwellings per hectare whereas the recommendation is for 30 DPH
- The height of the B1/B8 buildings will be under 15 metres which is better than the neighbouring warehouse development of 18 metres. Industry and houses should not be mixed.
- The development will devastate the living conditions for the residents of no 1 and 2 Wretchwick Farm cottages, if these present plans for this development are allowed.
- There is no vehicle route integration with the proposed DB symmetry site and the development site leading to a more convoluted road layout. Can the proposals be supported by an adequate highways system both within the site and outside its boundaries? Has sufficient modelling been done to assess the impact and have mitigation measures been identified?
- The roads in the area are already at capacity and cannot sustain the level of traffic generated as a result of this development.
- Notable species to be found across the site include the Great Crested Newt, three species of bats, Common Lizard, Grass Snake, Badgers, Brown Hairstreak Butterfly, Black Hairstreak Butterfly, Forester Butterfly, Red Kite, Buzzard, Kestrel, Sparrow Hawk, and wild orchids, amongst others . Has this been adequately assessed and what are the mitigation measures proposed to ensure the species are not lost in the locale?
- The application identifies that 16% (approximately 1.7 km) of the 10.5km of existing hedgerows within the site will be removed for roads and access ways. This will lead to loss of wildlife corridors
- The field immediately behind Wretchwick Farm Cottages is of historical interest due to the presence of ridge and furrow land formations. Is the proposed Scheduled Ancient Monument buffer zone sufficient?
- The constant flow of HGV traffic in and out of the Employment Hub of the Wretchwick Green and Symmetry Park sites will be a significant source of air,

noise and light pollution around Wretchwick Farm Cottages. The Environmental Statement (Vol 1, Chapter 3, section 3.39) indicates that the construction phase for the employment hub will be on-going for between 8 and 14 years. This will result in significant disturbance over and extensive period.

- The properties at 1 and 2 Wretchwick Farm Cottages share a septic tank at the rear of the property close to the rear hedge that surrounds the properties. Due to its position, this tank can only be emptied by a lorry parked behind this hedge
- This land floods when we have had heavy rain, particular in the autumn and winter, it acts as a sponge. By taking this away and forcing the water into the north of the site will only increase the risk of flooding either on to Wretchwick Way, which already regularly floods near Langford, or even towards Launton.
- This is just not a sensible place to site any warehousing and new businesses. Any warehousing should be near the motorway junction and new businesses can be sited in the empty properties that are dotted around Bicester, the old valor Bruce building on the Launton road for instance.
- I may have missed it but I didn't see a Doctors Surgery on any documentation, Bicester's docketers are already stretched add to that 3000 plus people where will they go to see a doctor?
- A master plan for the whole of Bicester 12 is required before a committee decision, so that plans for both Wretchwick Green and dB Symmetry Park employment areas can be integrated.
- The adopted Cherwell Local Plan 2011-2031 shows a dual use for the land in the north of Bicester 12 for development as well as nature conservation (the Upper River Ray Conservation Target Area [CTA]). This set up a conflict of land use from the start of the planning process. In the current plans, over half of the CTA is covered with built development which reduces the area for biodiversity improvement.
- The Environment Statement refers to the effect of construction on water quality. It reassures us that the construction phase is only temporary but in fact Bic 12 will take years to complete. The proposed drainage system takes run-off water from the southern employment area to the CTA in the north. This makes the water in the northern holding ponds in the CTA vulnerable to pollutants.
- Air quality. The impact of the development on air quality is said to be 'not significant'. This estimate cannot be correct when the plans are to put a major road through which will attract many vehicles in addition to the vehicles of residents and employees. Congestion with waiting traffic will occur at the various controlled crossings as well as the major junctions and will lead to poor air quality.
- The landscape sensitivity is categorised as medium to low due to the 'presence of existing settlements and visual detractors such as warehouses'. The huge warehouse by the railway was a previous mistake of planning. It should not be used as a reason to further downgrade the value of the landscape by more huge buildings.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. AMBROSDEN PARISH COUNCIL: **Objections** based on; the heights of the buildings; the build zones; removal of bus stops; highway impacts on B401; Impact of roundabout on cycleway; design of new junctions; impact on Wretchwick Cottages; impact on the existing public rights of way.

6.3. BICESTER TOWN COUNCIL: **Objections** due to the potential impact of employment area to the South East of the site. It is believed that more can be done to mitigate the impact on Wretchwick Cottages by creating a wider buffer zone. The sports provision appears to be fragmented.

6.4. BLACKTHORN PARISH COUNCIL: **Objections** based on revised road layout, proposed works to junctions and drainage.

OTHER CONSULTEES

6.5. ENVIRONMENT AGENCY: Following initial significant objections **No objection** subject to the imposition of conditions, in light of the amended proposals.

6.6. HIGHWAYS ENGLAND: **No Objection.**

6.7. NATURAL ENGLAND: **No Objection.**

6.8. NETWORK RAIL: **No objection** subject to the imposition of conditions.

6.9. THAMES WATER: **No objections** subject to the imposition of conditions relating to water and waste water.

6.10. HISTORIC ENGLAND: **No objections** subject to the imposition of the following conditions in relation to the following;

A treatment and future management scheme (to be developed in consultation with Historic England and other interested parties) for the buffer zone around the scheduled monument, including the area containing medieval archaeological remains which are not currently designated but are of national importance. This scheme should include the design of the proposed footpaths through the buffer zone.

A scheme for education, outreach and interpretation (to be developed in consultation with Historic England and other interested parties) for residents for the development and the neighbourhood, and for visitors to the development. This should relate to both designated and non-designated heritage assets.

A scheme for treatment of the areas of the development which lie close to the outer edge of the scheduled monument buffer zone.

- 6.11. SPORTS ENGLAND: **No Objection** Sport England is able to support the principal of this application but have comments that should be addressed to improve the delivery of the housing alongside the sport and physical activity infrastructure.
- 6.12. CDC ARBORICULTURE: **No objection** subject to the imposition of conditions.
- 6.13. CDC CONSERVATION: No response received to date.
- 6.14. CDC ECOLOGY: **No objection** subject to the imposition of conditions covering implementation of ecological mitigation measures; a construction environmental management plan, lighting scheme.
- 6.15. CDC LANDSCAPE SERVICE: **No objections** subject to the imposition of conditions.
- 6.16. LANGFORD COMMUNITY ASSOCIATION: Comments have been received which both support and object to individual elements of the application.
- 6.17. CDC PLANNING POLICY: No general response has been received to date. A response focussing on the Employment aspect has been received, with no objections raised, subject to the imposition of a controlling condition relating to use class percentages)
- 6.18. CDC RECREATION AND LEISURE: **No objections**, subject to the applicant entering in to a Section 106 Agreement
- 6.19. OXFORDSHIRE COUNTY COUNCIL MAJORS: Ongoing. There are currently **holding objections** relating to the Transport and Highways issues. The main points of objection relate to the following;
- The modelling undertaken in the Transport Assessment Addendum assumes the delivery of both the South-East Perimeter Road (SEPR) and dualling of the Eastern Peripheral Route. However, there is a risk that the development could be built out before the delivery of these strategic improvements. The traffic impact of this scenario has not been fully assessed;
 - It is proposed that Wretchwick Avenue would not link through the site end to end until the final phase of the development, however no assessment has been undertaken to determine the impact of this on the Local Highway network during the interim period.
 - Although the original TA assessed a with and without SEPR scenario, it was assumed that the dualling of the Eastern Perimeter Road would be in place as OCC was actively bidding for funding at the time. There has been no scenario modelled without the dualling of the Eastern Perimeter Route. Since then, both the SEPR and Eastern Perimeter Road scheme have been put on hold pending a decision on the Oxford-Cambridge Expressway. Currently, although also in Local Transport Plan 4, the dualling of the Eastern Perimeter Road is no more committed than the SEPR, as it is not fully funded. This is through no fault of the developer, however it should be noted that there is a risk here in permitting the full development on the basis of two major pieces of infrastructure being in place
 - The lack of an assessment demonstrating at what interim year/quantum of development the SEPR or scheme of similar benefit would be required by, no assessment has been provided to demonstrate the impact of the

development prior to Wretchwick Avenue being complete between the A41 and A4421. The original submission documents indicate that the link would not be completed until the final phase of the development and therefore an assessment of the traffic impact of the development prior to this is required

However, further information has been submitted and is currently being assessed, which should allow any objections to be removed. The original objections relating to drainage have now been removed as a result of an amended scheme being submitted. This is on the basis that conditions are imposed relating to surface water drainage, and the Suds Management and Maintenance Plan

- 6.20. CDC STRATEGIC HOUSING: **No objection** subject to the applicant's agreement to enter into a section 106 agreement in relation to affordable housing.
- 6.21. THAMES VALLEY POLICE: **No objections**, subject to the applicant entering into a Section 106 Agreement
- 6.22. CDC URBAN DESIGN: **Objections** received relating to layout of the Local Centre, housing layout and densities and street design options. Discussions are ongoing to secure parameter plans for the site.
- 6.23. OCC DRAINAGE: After significant original objections, the applicant has resubmitted and amended the proposals, which have allowed for the objections relating to drainage to be removed subject to the imposition of conditions.
- 6.24. CDC WASTE AND RECYCLING: **No objection**.
- 6.25. WILDLIFE TRUST BBOWT: **No objection** subject to the imposition of conditions, as with CDC ecology.
- 6.26. OXFORDSHIRE CARE COMMISSIONING GROUP: **No objections** subject to the applicant entering into a section 106 Agreement.
- 6.27. CDC BICESTER DELIVERY TEAM: **No objection** subject to the imposition of certain heads of terms.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- **Policy PSD1:** Presumption in favour of sustainable development
- **Policy SLE1:** Employment Development
- **Policy SLE4:** Improved Transport and Connections
- **Policy BSC1:** District Wide Housing Distribution

- **Policy BSC2:** The effective and efficient use of land – brownfield land and housing density
- **Policy BSC3:** Affordable housing
- **Policy BSC4:** Housing mix
- **Policy BSC9:** Public services and utilities.
- **Policy BSC11:** Local standards of provision – outdoor recreation
- **Policy BSC12:** Indoor sport, recreation and community facilities
- **Policy ESD1:** Mitigating and adapting to climate change
- **Policy ESD2:** Energy Hierarchy and Allowable Solutions
- **Policy ESD3:** Sustainable Construction
- **Policy ESD4:** Decentralised energy systems
- **Policy ESD6:** Sustainable Flood Risk Management
- **Policy ESD7:** Sustainable drainage systems
- **Policy ESD8:** Water resources
- **Policy ESD10:** Protection and enhancement of biodiversity and the natural environment
- **Policy ESD11:** Conservation target areas
- **Policy ESD13:** Local landscape protection and enhancement
- **Policy ESD15:** The character of the built and historic environment
- **Policy ESD17:** Green Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- **Policy C25** – Development affecting the site or setting of a Schedule Ancient Monument
- **Policy C28** – Layout, design and external appearance of new development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Emerging Cherwell Local Plan 2011 – 2031 (Part 2) Development Management Policies and Sites
- Bicester Masterplan Supplementary Planning Document February 2016
- Design Supplementary Planning Document November 2017
- Developer contributions Supplementary Planning Document February 2018
- Statement of Community Involvement July 2015

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of Development;
- Highways;
- Layout and densities of dwellings;
- Urban design and layout of the Local Centre;
- Ecology;
- Drainage;
- Open space , sports and recreation facilities;
- Education;
- Environmental Impact;
- Section 106 Agreement;
- Employment use classes and numbers of jobs created;

- Impact on the Scheduled Ancient Monument and proposed Buffer Zone;
- Landscape and Visual Impact;

Principle of development

Legislation

- 8.2. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined against the provisions of the development plan for the area unless material considerations indicate otherwise.
- 8.3. Current national planning policy within the NPPF (which is a material planning consideration of significant weight) reaffirms this position and confirms that the starting point for proposals that are contrary to an up-to-date Local Plan (i.e. those local planning policies within a development plan document that are consistent with the NPPF) is refusal unless material considerations justify a departure from it.
- 8.4. Recent court judgements have concluded that there is no presumption in favour of sustainable development within the NPPF where a proposal conflicts with an up-to-date development plan given that the plan itself will have been prepared against national planning policy and guidance and so must in itself be a sustainable strategy for the area.
- 8.5. As a result, significant and specific overall benefits would need to be demonstrated to justify departing from a development plan that is up-to-date with respect to national policy rather than a generic balancing exercise as part of a presumption in favour of sustainable development.

Development Plan

- 8.6. The adopted Cherwell Local Plan 2011-2031 Part 1 (CLPP1) is the principal development plan document for the District that sets out a strategy and overarching policies to provide for sustainable growth within the District to meet identified need through to 2031. Having been examined and found sound by an independent inspector against national policy (i.e. NPPF) and relevant statutory tests it is considered to be up-to-date. It primarily focuses new growth in the District to Banbury and Bicester whilst limiting it elsewhere in order to provide for the most sustainable form of growth over the plan period. Amongst other things it identifies a number of strategic sites for housing and employment development in and around Bicester so that they are provided in carefully considered proportions in order to deliver a sufficient number and type of jobs to reduce the need for out-commuting from Bicester arising from the new housing which would be unsustainable.
- 8.7. Local Plan Policy PSD1: Presumption in Favour of Sustainable Development states that the council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF. The council and the Planning Authority seek to work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (or other parts of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.8. In December 2014 the government awarded Bicester Garden town Status, which is recognition of the government's support for the level of growth proposed for Bicester. This was further underpinned with reference to Bicester within the Budget 2015.

Moreover The Cherwell Local Plan Part 1 detailed that a total of 22,840 dwellings were to be provided between April 2011 and March 2031. This will be supported with appropriate infrastructure, job creation etc. The majority of the proposed growth was to be directed towards Bicester and Banbury

- 8.9. The application site itself is identified under Local Development Plan Policy Bicester 12: South East Bicester. This policy is therefore fundamental to the consideration of this application as the site is an allocated and identified site. The policy sets out a number of parameters which need to be covered/addressed as part of any application. Generally speaking the site allocation description was for “A mixed use site for employment and residential development to the east of the ring road to the south east of Bicester”. The proposed developments general makeup was for 1500 dwelling, 30% of which would be affordable, approximately 40 hectares of Employment land, providing B1, B2 and B8 uses, creating 3,00 jobs, a mixed use local centre, a primary school, open space/recreation and the safeguarding of land for future highway capacity improvements.

Conclusion

- 8.10. Broadly speaking the main elements of the policy have been met. As with every application there is a degree of flexibility applied to ensure the viability and delivery of the proposed scheme. The proposed development has responded to the main directions of the relevant policy, as far as can be through an outline application, and is therefore considered to be compliant with Local Development Plan Policy PSD1: Presumption in Favour of Sustainable Development and Policy Bicester 12.

Highway Impact

Policy Position

- 8.11. Local Development Plan Policy SLE4 relates to the improved transport and connections. This outlines the approach required to improve transport connections and outlines overarching principle for new development to be complied with. This includes ensuring that the development facilitates the use of sustainable modes of transport and walking and cycling. It also outlines that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 8.12. Policy Bicester 12, the most specific policy regarding the development, states that in terms of access and movement there will be requirement to contribute to the improvements to the surrounding local and strategic road networks and to safeguard land for future highway capacity improvements to peripheral routes.

Transport Assessment

- 8.13. A Transport Assessment was submitted as part of the original submission and has since been revised to address the changes in the proposals and in an attempt to address the issues raised by the Oxfordshire County Council Highways Department which are detailed in the consultation responses section of the report. The main objections raised related to assumptions made in the modelling, in relation to the provision of roads which aren't currently in situ, the timing of the completion of Wretchwick Way which connects one of the site to the other, and the lack of traffic impact assessment as a result of this proposal and its completion timings,.. It is anticipated that a school travel plan will be prepared by the education provider at a later date when the proposals for the school are finalised.

- 8.14. The full scope of the access arrangements, the transport strategy, pedestrian measures, cycling measures, public transport measures, vehicular measures, development impacts, impacts upon the strategic road network etc are covered with the submitted Planning Statement sections 7.110 -7.163 and summarised below.

Access to the Development

- 8.15. In terms of access, one vehicular access is proposed to serve the site from the A41 Aylesbury Road and one from the A4421 Wretchwick Way. The access from the A4421 is in the form of a 4th Gavray Drive roundabout whilst the access from the A41 will be taken from a new roundabout on Aylesbury Road, at its junction with Pioneer Road. The original scheme of a secondary access from Wretchwick Way at Peregrine Way has been omitted. The road linking the access junctions will act as the main spine road through the site. The road will be a single carriageway which will provide the principal means of access and will provide additional link capacity to Bicester's peripheral routes.
- 8.16. The provision of a hierarchy of roads is considered to connect the individual development areas and the internal network of roads are considered to be as a result of the place making exercise rather than being a vehicular route led exercise. The proposed dual purpose spine road and accesses will ensure traffic is dispersed within the site and will not create choke points and will contribute to the wider transport improvements in the locale through a Transport Strategy financial contribution.

Sustainable Travel

- 8.17. The proposed development will be well served by existing sustainable travel modes, which will also be enhanced. The proposed transport strategy includes a mixture of walking, cycling and public transport measures designed to improve the connectivity of the site and enhance the accessibility of proposed and existing key destinations.
- 8.18. In terms of pedestrian measures the site will have an extensive network of pedestrian footways and paths. The principal road network will also have a supporting pedestrian element which will carry on throughout the secondary routes. Formal crossing points will be created, especially in key areas where foot traffic will be increase e.g. the local centre, around the school area. This will be supported with similar crossings at key access points. The existing PROW will also be protected.
- 8.19. A network of off road cycle routes will be created culminating in a 3.5 metre segregated route on one side of Wretchwick Avenue and Brook Lane and a 2.5 metre route on the other side. This mode will be supported by bicycle parking and 3 standalone Toucan Crossings. The existing cycle routes on the western side of Wretchwick way will also be improved.

Conclusion

- 8.20. There have been numerous discussions specifically regarding the highways proposals. At the time of writing the applicant has agreed to undertake additional modelling and set out mitigation measures which should allow the County Council to remove the existing holding objections as detailed in paragraph 8.13 and in the consultations section under OCC response. This will be detailed within the written updates prior to the Committee meeting.

Employment

8.21. Policy SLE1 relates to Employment Development, the most pertinent section of this policy being the section which states “*Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use*”. This is relevant given that Policy Bicester 12 detailed that the site will accommodate 40 hectares of employment land creating approximately 3000 jobs. However as detailed in Paragraph 2.4, the submitted Planning Statement has detailed that the site will create approximately 752-868 jobs. Of the total site area of 40 hectares detailed in the policy 16.42 hectares of this falls outside the application area within what is known as Symmetry Park. This site is continuing to implement its gained permission.

Reduction in Employment Land

8.22. The updated masterplan that supports the application suggests a reduced quantum of employment land from approximately 18 hectares to 7 hectares. The justification for the reduction in the employment area directed to the increase of the scheduled ancient monument buffer, which has increased by approximately 3.15 hectares and the change in drainage strategy with the retention of the majority of the floodplain which has further reduced the developable area by approximately 6.75 hectares. The applicants have chosen to concentrate on securing housing acreage numbers at the expense of employment land.

8.23. In the assessment of the application in relation to the loss of employment land, the Local Planning Authority must take a holistic approach to the development in general, balancing the site constraints whilst delivering the requirements of the land uses required by the allocation policy. In this instance the main assessment is given the reduction in site area is the loss of employment land acceptable in aiming to achieve the number of dwellings identified in the allocation.

8.24. The revised approach will potentially lead to the loss of approximately 7 hectares of employment land. When this is considered with the 16.49 hectares already approved at Symmetry Park will represent an achievement of 58% of the Bicester 12 land allocation. This considered with the other aims of the policy and the achievement of a superior layout, density and the meeting of the dwelling targets can be considered to be a reasonable compromise and can be considered to meet the strategic aims of the policy and Local Plan generally. In the assessment of this, the site has been assessed holistically given its position in relation to Graven Hill, North West Bicester, Bicester Gateway and Bicester Business Park, as well as Symmetry Park.

8.25. As part of the assessment of whether the loss is acceptable, other material considerations include the number of “windfall sites” coming forward for employment use. The annual Monitoring report 2017 highlights that there is a high level of committed employment land overall On top of the 107 hectares of committed land in Bicester , in one monitoring year 10.3 hectares of employment land was identified on un-allocated sites. Over the Local Plan period, it is considered that the loss of land for employment at Wretchwick Green can be offset elsewhere.

8.26. In table 7.1 of the planning statement (June 2018) the applicant sets out the number and type of jobs that could be provided which includes B8 and B1 uses some of which are of a smaller scale. When considered in conjunction with employment provision at Symmetry Park (16/0086/HYBRID), where just over 16 hectares of land is identified and circa 800 jobs anticipated, the application would not provide for the land and jobs specified by Policy Bicester 12 and would therefore be inconsistent with the policy.

Local Centre

- 8.27. In relation to the employment proposals for the Local Centre, It is consider that the proposals, if provided in line with those set out, would be consistent with Local Plan policy SLE 2 and policy Bicester 12 of the Local Plan in terms of the provision of local centres and proposals will not require a sequential test or impact assessment.

Conclusion

- 8.28. The reduction in employment land in the application can be justified in relation to other matters including site constraints. However, it is most relevant to consider the number and type of jobs provided through the delivery of both sites. As above, the number falls short of the policy requirements. The Local Plan also aims to provide jobs at Bicester to address the imbalance between homes and jobs and reduce out commuting. However, the reduction in land for employment (which would almost inevitably lead to fewer in jobs in total) is considered to have been justified. Therefore if the application provides for jobs in line with table 7.1 of the planning statement, where a number of B1 units are proposed, it is considered that the application would be acceptable. These units will provide more jobs per square metre and also assist meeting the Local Plan objective of providing for jobs in high-tech high value sectors. The uses proposed would also be consistent with Bicester 12 in terms of providing a mix where 'primarily B8 uses' are required and proposed. The applicant has also submitted information which explains that the market for B2 uses is limited, which is accepted.

Layout, design and Densities of Dwellings

- 8.29. Cherwell Local Plan Policy BSC 2; The Effective and Efficient Use of Land – Brownfield Land and Housing density requires that all housing development in the area make effective and efficient use of Land. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density developments.

Density

- 8.30. The proposals have included an overarching density assumption, which has been revisited on numerous occasions. The applicants have conducted density testing based on the number of dwellings within a development area of 35.75 hectares. The lower end projections resulted in 1350 dwellings which would equate to 38 dwellings per hectare. The upper end projections based on the same developable area would result in 42 dwellings per hectare resulting in 1507 dwellings. Both of the projections are compliant with the relevant planning policy detailed within paragraph 8.19. There is often pressure on Planning Authorities to gain the highest densities however this needs to be considered in association with achieving a suitable mix and appropriate layout.

Layout

- 8.31. A notional layout of the residential areas and the development site generally has been submitted. In terms of the residential layout and design, ESD 15 The Character of the Built and Historic Environment, must be referred to. The policy states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.
- 8.32. The design and access statement, the land use plan and the masterplan have detailed the proposed residential development, employment land, school, local centre, open space, nature reserve and the buffer around the Scheduled Ancient

Monument. As this is an outline application the areas identified are only as blocks which detail the land use within the site. The site has been the subject of numerous changes as a result of dialogue with the Planning Authority and the outcome of the consultation responses from the like of Historic England, Environment Authority, CDC Ecology, Oxfordshire County Council etc.

Masterplan

- 8.33. The aim of the masterplan is to achieve a well appointed garden suburb which creates a permeable and well connected mixed use development whilst acknowledging the locale which surrounds it. This is echoed also with Policy Bicester 12 which required a comprehensive masterplan for the site. In terms of planning, the masterplan is required to address not only the subject of the application but the surrounding area to ensure that the allocation can be successfully integrated within its environs.

Green Infrastructure

- 8.34. Detailed character of the green infrastructure network has been provided along with and assessment of open space requirements to show policy compliance. An integrated drainage strategy strengthens the green infrastructure detail. The issues with the proposed drainage were the subject of extensive discussions with the Oxfordshire County Council, which have ultimately been resolved after additional studying and modelling had been undertaken.

Connectivity

- 8.35. Although currently ongoing, the basis for the site to be well connected and permeable appears to have been adequately addressed. The submitted masterplan demonstrates connectivity between parts of the allocated site likely to be developed/have public access and details its relationship in terms of connectivity with adjoin sites such as Symmetry Park.

Detailed Design

- 8.36. The applicant has entered into detailed discussion and created a design group in association with the LPA to ensure the best layout and design parameters are achieved going forward. The applicant has also agreed and has been proactive in their desire, post committee, to work with Cherwell District Council and statutory bodies to progress the design details further through the production of a design code. This process has already commenced. This will allow a fuller progression of the urban design issues in parallel with other technical matters and not in isolation.

Local Centre

- 8.37. The proposed Local Centre has been an area of the application where there has been extensive change. Originally the proposal sought the creation of a local centre which straddled both the northern and southern sections of the main spine road through the site. However, through ongoing discussions the proposed Local centre will be on the southern side of the road with residential on the northern side, with Cutters Brook Beyond that.
- 8.38. Policy Bicester 12 sets out the requirement for a mixed use local centre to include a multi-use community hall(650 square metres), nursery (418square metres internal + 186 square metres external), approximately 60 care home units, a convenience store(approximately 540 square metres) and small scale employment premises. The proposed spine road, Wretchwick Avenue will run to the north of the local centre,

which will measure approximately 2.03 hectares. The local centre will create a focal point for the public realm in combination with the primary school and sports pitches and will be located in a manner and position which will make it accessible from all areas of the development. The final layout of the local centre has not been achieved however the LPA have been able to achieve a basic parameter plan that will form the basis of the Local Centre and which will enable focussed discussion at the design brief stage and moving forward.

Affordable Housing

- 8.39. Local Development Plan Policy BSC3 Affordable Housing states that within Bicester and Banbury, any development over 11 dwellings or which would be provided on sites suitable for 11 or more dwellings will be expected to provide at least 30% of new dwellings as affordable housing on site. Furthermore, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/ social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.
- 8.40. The proposed scheme will provide 30% of the gross number of the residential units as affordable housing, in compliance with Policy Bicester 12 and Policy BSC3. This will amount to a maximum of 450 affordable dwellings which will be dispersed and integrated throughout the site.

Housing Mix

- 8.41. Local Development Plan Policy BSC4, Housing mix, requires that new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 8.42. As this application is in outline, at this stage the proposed housing mix has not been established. Through the reserved matters stage the Local Planning Authority will strive to apply the conclusions of the Oxfordshire strategic housing market assessment (SHMA 2014) to ensure the appropriate, size and tenure of property mix is achieved. The basis for this approach is detailed in table 4.1: SHMA Table 67: Conclusions regarding mix of homes, HMA Level.

Education

- 8.43. The infrastructure delivery plan, as detailed within appendix 8 of the Cherwell Local Plan details that South East Bicester will provide a 1.5 Form Entry Primary School increasing to a 2 Form Entry School. The proposals include land allocated to accommodate a primary school on site with contributions to be made towards off site secondary school provision.
- 8.44. The proposed school has been relocated from its original position to ensure that the school playing fields would be located outside the flood plain, which is located south of the local centre. Access to the school will be achievable from the southern bus loop and will be centrally located. A landscaped play area is proposed adjacent to the school.
- 8.45. The applicant has demonstrated that the site can accommodate a 2 form entry school as required by the relevant policy and that the land adjacent to this could accommodate a 3 form entry school. The site proposed for the 2 form entry school

measures approximately 2.2 hectares with an option of a 0.79 hectare if there is a requirement for a 3 form entry school.

Play/Outdoor Space

- 8.46. The proposals are considered to accommodate sufficient green infrastructure with the overall quantum being over 50% of the total site area. This application proposals provides over double the required area for public open space as detailed within Local Plan Policy BSC11, Local standards on provision-Outdoor Recreation. This policy requires development proposals to contribute to the provision of open space, sport and recreation, together with a secure arrangement for its management and maintenance. The updated masterplan has resulted in the majority of the Cutters Brook flood plain being retained and an increase to the buffer to the SAM which equated to an increase of open space by approximately 20%.
- 8.47. Allotments will be accommodated in close proximity to the SAM buffer, Children's play areas, sports pitches and courts are all being integrated into the Bicester sites in accordance with the parameter standards set out within the Local Plan.
- 8.48. The breakdown of the open space typology is provided within table 7.2, open space provision of the Planning Statement and within the Design and access statement. The indicative on site provision for general open space, including mitigation planting will measure approximately 37.87 hectares, with play provision accounting for 1.31 hectares of play provision. Outdoor sports pitches will account for 4.11 hectares of the site whilst allotments, nature conservation areas, retained pasture and ponds contribute approximately a further 28 hectares.

Impact on the Scheduled Ancient Monument

- 8.49. Policy Bicester 12 refers to the existing Scheduled Ancient Monument and general cultural heritage. It states that Development proposals should protect Cultural heritage and archaeology, in particular the Grade II Listed Wretchwick Farmhouse and the deserted Wretchwick Medieval Settlement, a Scheduled Ancient Monument, and incorporate an appropriate landscape buffer, to maintain the SAM's open setting. In consultation with Historic England, appropriate public access and interpretation facilities should be provided.
- 8.50. The National Planning Policy Framework (NPPF) relating to conservation states that in the determining an application the applicant shall be required to describe the significance of any heritage assets affected, including any contributions made by their setting. Paragraph 190 of the NPPF also states that Local Planning Authorities should identify and assess the particular significance of any heritage assets that may be affected by a proposal (including by development affecting the setting of the heritage assets, taking into account of the available evidence.
- 8.51. The appellant has submitted significant literature with regard to the deserted Medieval Village of Wretchwick, a Scheduled Ancient Monument, and has conducted an Archaeological desk based study and an archaeological geo-physical survey, based on and in reaction to the original comments received from Historic England. The applicant since that time has worked closely with OCC Archaeology and Historic England to ensure as limited an impact on the SAM is achieved by focusing on the subterranean archaeological remains and on the setting of the designated heritage asset which has resulted in a significant increase in the size of the buffer zone and ensuring the setting impact is lessened substantially..
- 8.52. The Wretchwick Deserted Medieval Village (DMV) is located in the western part of the main development site and is excluded from the development envelope, albeit,

still within the application site boundary. Evaluation trenching established well preserved remains in an area immediately south west of the identified DMV. Trial trenching associated with the construction of Wretchwick Way, along with an earthwork survey revealed post – medieval ditch enclosure. To the west of Wretchwick Farm fragments of pottery were uncovered suggesting that part of the Medieval Village Lay beneath.

- 8.53. In assessment of the proposed developments impact on the DMV it has been concluded that whilst there will be no direct physical impact on it the proposed development will have some impact on the setting of the scheduled monument. This, as detailed elsewhere in the report, has been a key issue on the assessment of the layout and allocation of the development. This has resulted in the increase in the buffer zone as detailed in paragraph 8.19, which in turn has led to the reduction of the employment allocation and increase of the housing allocation, to ensure viability. This was as a result of a consultation response from Historic England. The buffer will maintain open pasture allowing grazing, retaining an agricultural feel. As part of the further studies, trenching revealed Iron Age occupation, two areas of probably Roman settlement and a post medieval brick kiln, all of which are deemed of local significance. Due to this, a post decision archaeological mitigation excavation and recording will be as a result of relevant conditions being imposed.
- 8.54. It is considered that the development will result in some harm to the DMV, albeit not substantial. It is considered that although this is the case the impact has been significantly reduced and relevant mitigation measures introduced. This has been achieved by extending the buffer around the DMV significantly and by reducing the visual impact, through time, with tree and hedge establishment. Interpretive material will also be erected which will assist the local understanding of the site. The alterations to the scheme has resulted in compliance with the relevant policy and have led to the removal of the Historic England objection subject to conditions.

Ecology and Biodiversity

- 8.55. Cherwell Local Development Plan ESD10 relates to the protection and enhancement of biodiversity and the natural environment. The policy states that with development a net gain of biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources. The northern part of the site falls within the Ray Conservation Target Area (CTA). As detailed in Policy ESD11 the Target Areas have been identified to focus work to restore biodiversity at a landscape scale through the maintenance, restoration and creation of UK BAP priority habitats, and this is their principle aim. Conservation Target Areas represent the areas of greatest opportunity for strategic biodiversity improvement in the District and as such development will be expected to contribute to the achievement of the aims of the target areas through avoiding habitat fragmentation and enhancing biodiversity.
- 8.56. The purpose of the CTA is to focus conservation efforts. Two Local Wildlife Sites (LWS) are located adjacent to the Application Site; the Gavray Drive LWS located to the north west of the CTA and the Blackthorn Meadows LWS located to the south east of the CTA. The CTA designation aims to target conservation projects to maximise their value for other valuable receptors or designated sites. The need for a Nature Conservation Area has been established. This, in turn, has led to the identification of the opportunity to connect the two LWS sites (Gavray Drive Meadows and Meadows NW of Blackthorn) by locating the Nature Conservation Area within a large part of the Ray CTA. This will create a key wildlife corridor along the northern part of the Application Site that will be of significant ecological value in its own right.

- 8.57. The Ray CTA occupies approximately 55 ha of the Application Site. This area is characterised by a number of habitats such as lowland meadow, wet grassland/floodplain grazing marsh, hedgerows and ponds. Of this, approximately 17.3ha is proposed for built development. Policy does allow for development within the CTA. Policy ESD11: Conservation Target Area (which forms the 'main' CTA policy) sets out *"Where development is proposed within or adjacent to a Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted..."*. As demonstrated through the supporting documents, opportunities to enhance biodiversity within the CTA have been considered and adopted.
- 8.58. Within the CTA, and in line with the aims of the CTA, habitats will be created in the form of reed bed creation, creation of new ponds, management of hedgerows and lowland meadow management. Within the revisions to the masterplan, the majority of the floodplain has been retained in its current form as opposed to the profiling previously proposed in 2016.
- 8.59. The proposed development has been the subject of considerable investigation by CDC Ecology, BBOWT (Berks, Bucks & Oxon Wildlife Trust) Ecology and the applicants Ecology consultants. The submission included an Environmental Statement a Biodiversity Impact Assessment (BIA) and a High Level Ecological Management Plan.
- 8.60. As detailed in the CDC Ecology consultation response. The majority of issues have been addressed, and those remaining can be covered through the imposition of conditions. It has also been agreed with the applicant that the required changes that are required to be made to the HLEMP document and the clarification of certain other points will be conditioned, in the interests of a timeous resolution. This has been addressed in the BSG ecology submission P18-805-Wretchwich Green – Ecology Letter to CDC dated 5th October 2018 and agreed by Paul Evans, CDC Ecologist. A habitat management plan will also be conditioned to be submitted at the reserved matters stage.

Landscape and Visual Impact

- 8.61. Cherwell Local Plan Policy ESD 13 relates to Local Landscape Protection and enhancement. The policy states that opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in the urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate, the creation of new ones. Development will be expected to respect and enhance local landscape character.
- 8.62. The site and the 6km study area are situated within 3 National character areas; NCA 107: Cotswolds, NCA108: Upper Thames Clay Vales (the application site is within this area) and NCA109: Midvale Ridge. NCA 108 is characterised by "a broad belt of open, gently undulating lowland Farmland". The area includes enclosed pastures of the claylands with wet valleys, mixed farming, hedges etc and more settled open, arable land. The site is in keeping with the description as is has gently undulating arable fields separated by field hedges. Despite being predominantly rural in nature the site is bound on two sides by the urban fringe of Bicester. This includes light industrial warehouses at Bicester Park, residential areas of Langford Village, Graven Hill residential development and storage compound and the railway line to the north.

- 8.63. It is appreciated that there will be a significant change from the existing rural, low lying flat landform, in the form of open pasture to a mixed use development site with varying sizes of structure. Although this is acknowledged, the assessment needs to examine whether the proposal will have a detrimental impact on the area or will be visually integrated to the existing built environment which surrounds it.
- 8.64. Within the immediate locale, there are opportunities for longer views and vistas into the site. These points are usually from higher ground, and in this instance from Graven Hill to the south west of the site and Blackthorn hill to the south east. Whilst these allow are greater visual appreciation of the area generally, they also provide and element of containment of the site.
- 8.65. As part of the visual assessment a full landscape and Visual Impact Assessment (LVIA) has been submitted. This assessment identifies the A41 as a key area in terms of visual impact. The area of the A41 between Blackthorn Hill and the roundabout west of the application site, it is judged that the scale of effects experienced increases as uses approach the application site. Effects would be greatest where the route passes immediately to the south west of the site. At this point, direct views of the residential properties proposed in the south of the application site would be possible, above the existing residential properties, as shown in viewpoint 5 (Figure 7.10) of the LVIA. It is assumed that most of the hedgerows along this site boundary will be removed for the site access allowing views directly into the application site. It is therefore judged that along this stretch of the route, the scale of effects would be largest.
- 8.66. Due to this there is a requirement for appropriate and proportionate landscape mitigation measures for the highway access off the A41 to counter the visual harm of this development to the visual receptors, especially pedestrians. It is considered that the indicative landscape Layout on the Draft Revised Land use Framework Plan has identified the need for sufficient amount of space for landscaping/street trees to be allocated either side of the entrance and central avenue, and demonstrate the entrance to the site should be able to achieve an attractive landscape.
- 8.67. The LVIA within the Environmental Statement provides an overview of relevant legislation, planning policy and an overview of guidance methodology. The documentation also examines and assesses the existing landscape and the visual baseline environments as well as their sensitivity to change.
- 8.68. The supporting information submitted has assessed the key types of visual receptors and assessed the key routes and viewpoints and has demonstrated these within 10 representative viewpoints. These have demonstrated that the landscape sensitivity is generally medium to low. The outcome being that the existence of the existing settlements/developments, large industrial buildings and the relative flatness of the site being responsible for the level of impact when viewed from outside of the site. As stated earlier in the report, there will be an obvious change in landscape characteristics and visual impact which confirms that there would be localised significant impacts on the existing character type. Agricultural fields will be replaced by residential units, public open space, SUDS schemes etc and the existing natural boundaries will be altered and removed in areas. Despite the proximity to the edge of Bicester, the existing vegetation creates a distinct urban-rural. Therefore it is judged that within the site itself there will be a high impact which this impact lessening the further from the site you travel. Despite this change in landscape character, it is not one that is out of place in the immediate locale and in turn will be integrated in to the surrounding built environment and will in turn create a new urban edge with rural characteristics beyond.

- 8.69. The proposed development would be visible from a small number of locations towards the existing southern edge of Bicester. The impact of the development of these areas has been assessed and is considered to be negligible. This would also be the impact on the settlements within 6km, with only very sporadic views being achieved.
- 8.70. The existing Public Rights of Ways and footpaths in the immediate locale and which run through the site will obviously be severely impacted upon. From the top of Blackthorn Hill, where the bridle way lies, there would be moderate to significant visual impact. This is also the case when considering National Cycle Route 51, generally, recreational routes more than 1km from the application site will have a negligible impact.
- 8.71. As a result of the identified impacts, a number of mitigation measures have been carried out and identified going forward. These have been detailed in section 7.212 of the Planning Statement. These include the following; retain hedgerows where possible; new landscape planting; replication of the existing green boundary to Bicester; existing features identified to be of ecological importance are retained forming an integral part of the green infrastructure; introduction of formal play/sports/general recreation areas; creation of a community orchard/allotments; retention and enhancement of all PROW etc.
- 8.72. It is accepted that the development would introduce an area of new development that would not be out of character in the context of the surrounding area, albeit, a significant departure from what currently exists. The proposals will introduce additions public open space, tree and hedgerow planting as well as the creation of a wetland habitat. The proposals and the mitigation proposed can be covered by condition and are considered appropriate for the development and the Local Plan Policies to which it relates.

Drainage

- 8.73. Policies ESD6 and ESD7 relate to the Sustainable Flood Risk Management and Sustainable Drainage Systems respectively. Policy ESD 6 requires that developments are assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Policy ESD7 Sustainable Drainage Systems (SuDs) requires that all development will be required to use SuDS for the management of surface water run-off. The policy reiterates the need to protect ground water quality, reduce flood risk where possible, reduce pollution and provide landscape and wildlife benefits.
- 8.74. The original application submission in 2016 proposed the alteration to the existing floodplain and the ground levels which would have had a knock on impact on the flood storage. Following the submission of the application, the EA stated that its preferred approach would result in as little change to the floodplain as possible. As a result alterations to the masterplan have resulted in the retention of floodplain and a more neutralised setting. As a result, the changes have led to the loss of 6.75 hectares of developable land. The changes retained the majority of the floodplain, the moving of the school playing fields to ensure that they are not in the floodplain and the culverting of the secondary loop crossing at the south of the site.
- 8.75. The environment agency have assisted in provided national generalised flood levels, however only a small area of the application site has been modelled. Modelling was undertaken and run for a range of fluvial events ranging from 1 in 2 year events to extreme 1 in 1000 year events. The flood modelling confirmed that the site, or a large section of it, is covered by a shallow yet wide floodplain which is susceptible to flooding from a range of fluvial events from frequent to extreme. The site generally is

considered to have a very low risk of surface water flooding which the northeast of the site and along Cutters Brook are likely to experience flooding during periods of heavy rainfall. As these areas are not intended to be the subject of heavy development there is considered to be very low and limited risk associate with it.

- 8.76. The Flood Risk Assessment has concluded that the risk from tidal, groundwater, sewer, canal and reservoir flooding is low and that the proposed SuDS will be proposed on the site to store surface water and discharge into Cutters Brook at Greenfield rates, this will offset surface water flooding to the site post-development. The FRA concluded that there is no greater risk of flooding either on or off-site as a result of the development.
- 8.77. Discussions with OCC Drainage have culminated in the removal of the original objections. The applicants drainage consultant have updated the strategy and now includes the constraints and design approach to be adopted and to ensure the most appropriate SuDS design for each parcel of land that comes forward. The changes made in the revised addendum are acceptable to OCC (drainage) and comply with the national Statutory Technical Standards for SuDS to ensure flood risk is not increased. Conditions will be imposed which relate to the surface water drainage and the SuDS management and maintenance plan.
- 8.78. The Environment Agency had a number of issues with regards to the original submission and although a lesser number, still significant objection to the original resubmission of the masterplan. The main issues raised related to ecology issues flood risk, re alignment of Cutters Brook, the river corridor survey the High Level Ecological Management Plan and the Ecology Plans, many of which were out of date. The applicant has since submitted an Updated High Level Ecological Management Plan and the Updated Biodiversity Impact Assessment Calculator, as well as entering into meetings with Oxfordshire County Council Drainage Team.
- 8.79. The proposed conditions submitted by the Environment Agency to be attached to any approval relate to the following: scheme for flood storage compensation, the ecological buffer zone, the realignment and enhancement of watercourses, and the landscape management plan. These conditions as well as the extensive changes to the scheme have allowed both the CDC Ecology department and the Environment Agency to remove their objections.

Section 106 Agreement

- 8.80. As, part of any approval, the applicant is required to enter into a Section 106 agreement. The heads of terms for this Legal agreement are detailed below;
- Primary Schools: Funding £10,772,196
 - Secondary Schools: Funding- school build £9,796,276, Land Contribution:£460,550
 - Special Educational Needs: £973,074
 - Library: £416,342
 - Strategic Transport 1-Duelling of Eastern Perimeter Road: £2,643,008
 - Strategic Transport 2 –South East perimeter road, western section: £1,038,498
 - Off-Site Highway Works: £141,585.87
 - Public Transport Services: £1,532,921
 - Bus Infrastructure: £92,800
 - Public Rights of Way: £165,000
 - Travel Plan Monitoring: £5,320
 - Strategic Waste: £122,010

- Bonds: For all S106 & S278 works (+S38), bonds will be required to safeguard the value of the works etc.
- S106 Monitoring Costs: £19,000
- Housing (affordable/affordable rented/extra care housing etc)
- Drainage (SuDS, Balancing ponds, ditches/swales/watercourses etc)
- Open Space
- Play Provision
- Recreation
- Nature Conservation
- Community
- Public Art
- Public Services (Police and NHS)
- SAM Buffer commuted sum

8.81. The heads of terms with regards the above are ongoing and in some instance are dependent on the outcome of ongoing modelling. The outcome of the modelling may alter how the strategic contributions are spent. A number of OCC responses suggest further discussions during the S106 process. As the modelling and highway position is still currently unclear, there is not currently an opportunity to conclude the S106 discussions.

9. PLANNING BALANCE AND CONCLUSION

9.1. The application site, South East Bicester is one of the main strategic development sites for Bicester. The site is allocated within the Cherwell District Local Plan 2011-2031, under Policy Bicester 12, for mixed use development. The adopted policy site is 155 hectares of allocated mixed use land, encompassing residential and employment. This policy as well as the support of growth by the Government, the announcement of Bicester as a Garden Town and given the locational significance to the Oxford to Cambridge corridor, Bicester being part of the £700 million spending programme, as detailed in the joint review and autumn statement are also elements which need to be considered. This further supports the strategic importance of the site, locally and nationally and further supports the sites importance to the successful delivery of the spatial strategy. The proposed development is considered fundamentally important in delivering the homes and jobs to meet out the government and Local Plan objectives.

9.2. The proposed development accords with the Local Plan Policy Bicester 12. Given the further revised submission in July 2018 the proposals are considered to largely comply with the set out requirements, whilst reacting to the concerns and constraints which have been highlighted through consultation responses and discussions since the original submission in 2016.

9.3. As per the Relevant Local Development Plan Policy Bicester 12, the applicant is proposing up to 1500 dwellings, with 30% affordable, a reduction in the employment proposals to ensure deliverability of the residential and other supporting development. This has been accepted in principle by the Local Planning Authority.

9.4. The core principles of the NPPF are considered to be met. The proposals are considered, over the 2.5 years since its submission, to have addressed the primary issues which have been raised and has responded to the constraints identified. The site is considered to be sustainable in an identified allocated site. The proposals have been assessed against the relevant Local Development Plan Policies and Supplementary Planning Guidance. The proposals are considered to demonstrate compliance with the relevant planning policy in terms of providing and responding to employment and housing needs.

- 9.5. The proposals are at outline stage and are considered acceptable, the conditions and parameters agreed will ensure that the application will be deliverable whilst ensuring the constraints and requirements of the conditions and S106 agreement can be met.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. continuing negotiations in respect of the highways infrastructure,
2. in the event that the highways infrastructure contributions are not resolved satisfactorily then the application will be reported back to committee with a revised recommendation
3. Conditions (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).
4. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with paragraphs 8.80 and 8.81

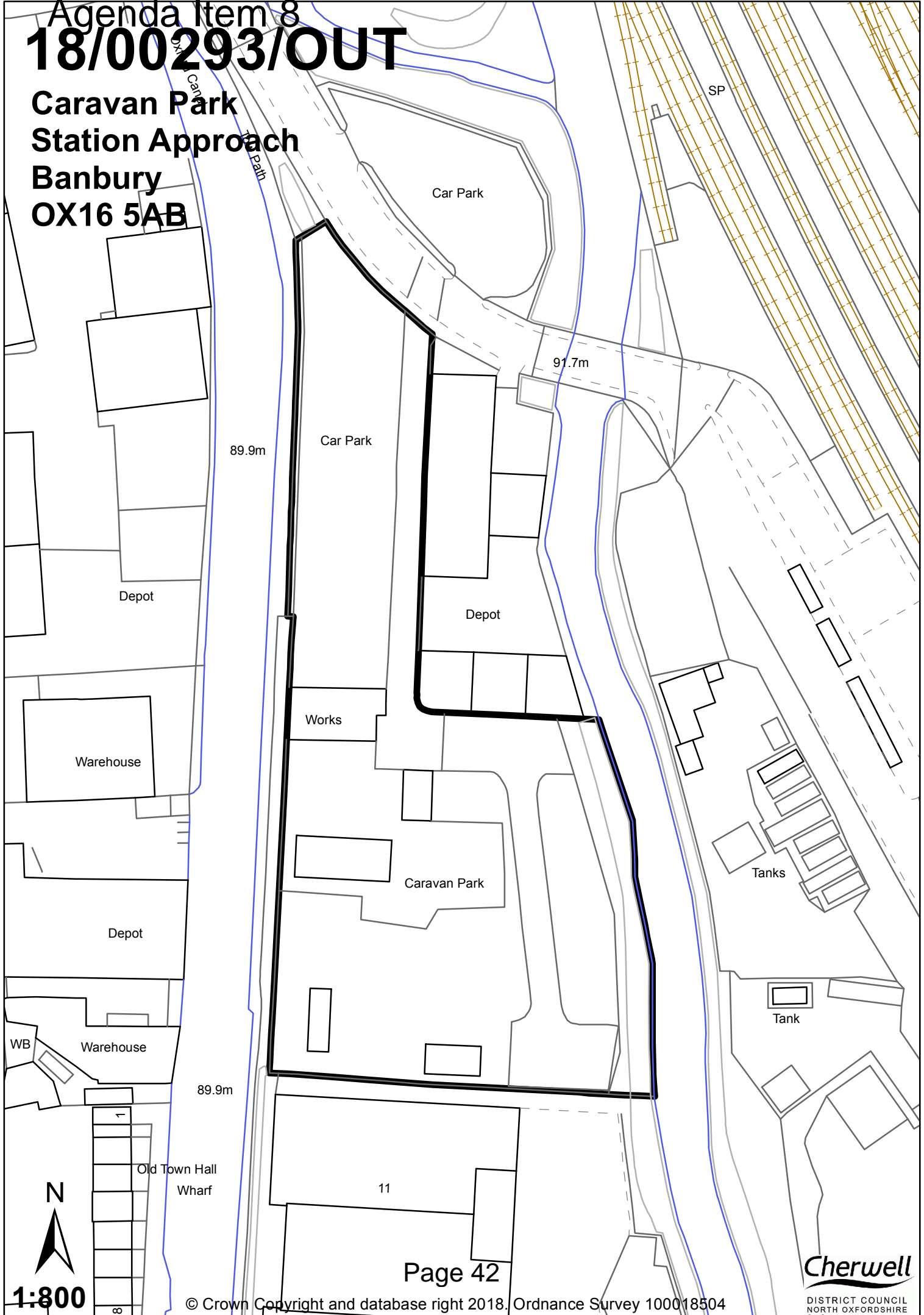
Proposed draft conditions will follow in the written updates.

CASE OFFICER: Gavin Forrest

TEL: 01295 221599

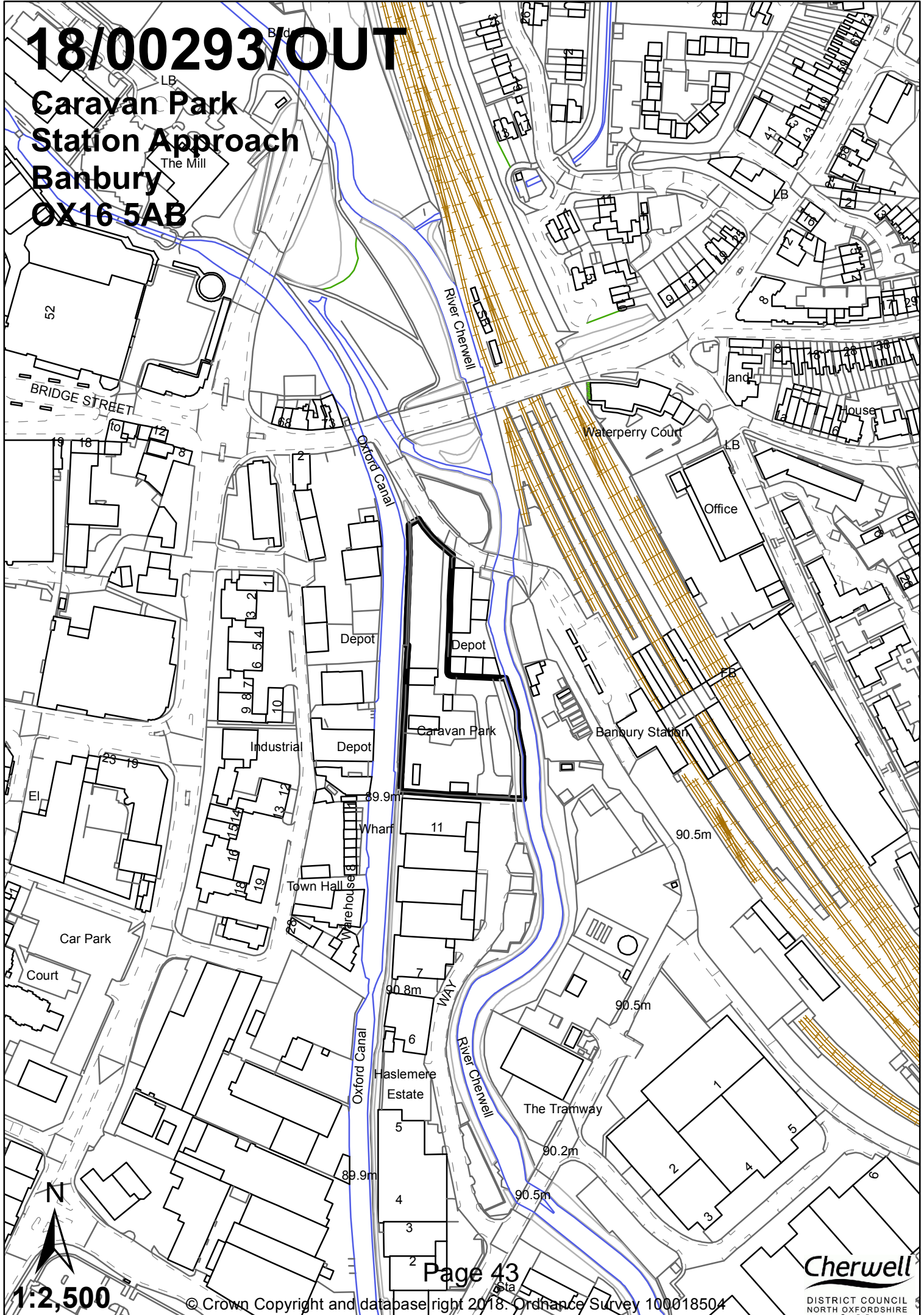
Agenda Item 8 18/00293/OUT

**Caravan Park
Station Approach
Banbury
OX16 5AB**



18/00293/OUT

Caravan Park Station Approach Banbury OX16 5AB



**Caravan Park
Station Approach
Banbury
OX16 5AB**

18/00293/OUT

Applicant: Land Group (Banbury) Ltd

Proposal: Outline application for the development of car park and caravan park on land to the west of Banbury Railway Station to comprise up to 63 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures.

Ward: Banbury Grimsbury And Hightown

Councillors: Cllr Andrew Beere
Cllr Claire Bell
Cllr Shaida Hussain

Reason for Referral: *Major application*

Expiry Date: 18 May 2018 **Committee Date:** 25 October 2018

Recommendation: Approve subject to Section 106 agreement

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

This application is made in outline with all matters reserved except access. The application proposes up to 63 flats, including affordable housing. Vehicular access is proposed from Station Approach

Consultations

The following statutory consultees have raised **objections** to the application:

- OCC Highways, Environment Agency, NHS Oxfordshire Clinical Commissioning Group, and Banbury Town Council

1 letter of objection have been received from Network Rail as owner of Station Approach and statutory consultee

Planning Policy

The application site forms part of Policy Banbury 1 – Canalside redevelopment area. It is located within the town centre of Banbury, adjacent to the canal, River Cherwell, near to Banbury Train Station and adjacent to the Oxford Canal Conservation Area.

The application has assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance

Conclusion

The key issues arising from the amended application details are:

- Principle of development
- Planning appeal history
- Loss of caravan site

- Access for cars and pedestrians
- Heritage impact
- Impact upon canal and river
- Drainage matters
- Environmental health matters
- Infrastructure

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions and to the applicants entering into a legal agreement concerning affordable housing and the infrastructure contributions set out in the main report. The scheme meets the requirements of relevant CDC policies

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS AND LEGAL AGREEMENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. This application relates to a 0.56 hectare site situated in the area covered by Policy Banbury 1: Banbury Canalside. It lies between the Oxford Canal and River Cherwell. It is accessed off Station Approach via a road way that leads between a Chiltern Rail car park and a disused warehouse building. The site is currently in use as a residential caravan park with 18 pitches and the above mentioned car park. The site also includes a building used as a religious meeting room.
- 1.2. The site is bounded to the west by the Oxford Canal towpath from which it is separated by a 1.8 metre high fence alongside the current caravan site and by a wall and fence alongside the car park. The towpath is about 1.5 - 2.0 metres below the existing application site level. On the opposite side of the canal are various commercial buildings and uses in Lower Cherwell Street. To the south lie the modern warehouse/industrial units in Haslemere Way, which is accessed off Tramway Road. To the east the existing caravan site is bounded by the River Cherwell, which has extensive tree/shrub growth on both sides of the river. Further to the east is a fuel storage yard with above ground tanks and beyond that the station forecourt. To the east of the car park section of the application site lie disused brick buildings (although the surrounding yard areas are used as public car parking).

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application is made in outline with all matters reserved except access. The application proposes 63 flats. The application is accompanied by a revised illustrative site layout plan indicating that the flats would be accommodated in three buildings, three stories high. Affordable housing is proposed in accordance with Council policy.
- 2.2. Car parking for 62 cars is shown as being situated within an enclosed central courtyard, along the southern boundary of the site, between the northern building

and the remainder of the site, and alongside the access way. Revised illustrative elevations are also provided showing all buildings with pitched roofs, with the blocks facing the canal shown with multiple gables facing the canal and balconies.

- 2.3. The submitted drawings show the ability to provide an east-west through-route for pedestrians/cycles across the middle part of the site with allowances made for bridges across the river and canal. The application does not include the provision of these bridges or routes to them from the station forecourt and Lower Cherwell Street; those would need to cross third party land.
- 2.4. The application is also accompanied by
 - A flood risk assessment
 - A surface water drainage strategy
 - A transport statement
 - A phase 1 habitat survey report
 - A planning statement, and
 - A design and access statement

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

17/01233/OUT Outline application for the development of land to the west of Banbury Railway Station to comprise 44 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures.

Planning permission was refused in November 2017 on the grounds that:

1. The proposal for the development of this small part of the Canalside regeneration area is contrary to the requirements of Policy Ban 1 in that in the absence of a Supplementary Planning Document or detailed strategic site-wide masterplan it is not possible to form a view on how the proposal will fit in with the overall aspirations of the strategic site and how it will contribute towards the creation of a single integrated community. In these circumstances the proposal may prejudice the development of adjacent sites and may frustrate the provision of necessary infrastructure across the wider site.
2. The Local Planning Authority consider that the access way which will provide vehicular access to the site is inadequate to also serve as the pedestrian access to the site and whilst alternative access for pedestrians may be possible along the canal towpath this has not been secured through agreement with the land owner and a Section 106 agreement and will therefore be contrary to Policy SLE4 of the adopted Cherwell Local Plan.
3. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway concerns, delivering mixed and balanced communities by the provision of affordable housing and securing future site maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the adopted

- 3.2. The applicant appealed against that decision, and it was dismissed on 19 July 2018, but only the second reason for refusal was upheld. The following main aspects of the appeal decision are particularly relevant for the consideration of this application:-

Principle

- 3.3. On the first matter the Inspector concluded that the principle of the residential development of the caravan site part of this proposal is acceptable and would be in general accord with Policy Banbury 1. He said that the absence of a specific SPD for the Canalside area is not a reason why planning permission should be delayed or withheld for an otherwise acceptable development and that whilst he understood some of the Council's concerns about the illustrative layout that these could be dealt with at reserved matters stage.

Access

- 3.4. On the access issue the Inspector agreed with the Council that the access arrangements proposed were not suitable for the intensification of use that would result from the development in particular because of the lack of width for the shared surface access way. He therefore concluded that a safe and suitable access was not proposed and that the scheme should be refused on that basis.

Infrastructure

- 3.5. With regards to infrastructure contributions the appellants had submitted a Unilateral Undertaking. This document had a technical fault and therefore the Inspector did not give it any weight. However, he did comment on the acceptability of the various contributions offered.
- 3.6. The inspector found that the appellants offers concerning affordable housing, canal path upgrade, cemetery provision, footbridge contribution and waste collection would have been justified and satisfactory. With regards to the other contributions offered he found himself unable to comment as there was insufficient information on infrastructure requirements.
- 3.7. A main plank of the Council's case against the proposal was that in the absence of a SPD for Canalside it was not possible to establish a fair and equitable infrastructure contribution that individual sites should be making because the extent of the overall infrastructure needs of the regeneration area had not yet been established. The Inspector found this approach untenable. He said that whilst he agreed that it would be desirable to consider the wider infrastructure requirements as part of the overall Canalside regeneration area he did not consider that to be an essential criteria, and that the development must be assessed on its individual merits.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application formal pre-application discussions have taken place with regard to this proposal before it's submission. The application was held in abeyance pending the determination of the appeal. Discussions have been held since the appeal result was known to re-configure the proposal taking into account the Inspector's comments.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments on the most recent submissions is 23.10.2018

5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BANBURY TOWN COUNCIL **objected** to this proposal. When considering this application a number of issues that were of concern the Town Council:

The primary issues with this application stem from concerns raised by the planning inspectorate in the previous appeal. They relate to the proposed access and planning obligation arrangements concerning the proposed footbridges and canal towpath enhancements. Concerns have also been raised with district officers about the development being out of character with its surroundings thus not conforming to ESD 15.

Banbury Town Council objects to the revised proposal primarily on the basis of concerns surrounding access at station approach. We believe the proposed shared access would not be sufficient in width or safe enough to handle the potential increase in traffic thus not conforming to SLE 4. Members also expressed concerns with the site potentially being used for non-residential parking purposes and how this would be dealt with..

Any comments received from Banbury TC on the most recent revisions will be reported to Committee in the written update

STATUTORY CONSULTEES

6.3 OXFORDSHIRE COUNTY COUNCIL: initially **objected** to the proposal on the grounds that:

1. An appropriate transport statement had not been provided
2. Visibility splays for the access were not shown. It was unclear whether adequate visibility could be provided since Station Approach is not adopted highway and not in the applicant's control.
3. Details of pedestrian access along the access road were unclear
4. The block of apartments on the car park site did not appear to have any cycle parking.
5. The development proposal could prejudice the bus link along Station Approach required by Banbury Policy 1 and identified in the adopted Banbury Vision and Masterplan SPD.
6. Amendments were required to the Surface Water Drainage Strategy.

Revised Interim Response:

They further comment that an updated transport statement has been received, which is based on the original application for 44 dwellings but now includes the additional 19 dwellings in the block nearest to Station Approach. This predicts that the 19 dwellings will generate 4 additional 2-way movements in the am peak, and 5 in the pm peak. The overall increase over and above the movements associated with the current use, is predicted to be 9 2-way movements in the am and 9 in the pm peaks. This is a relatively small increase and not considered severe. It has minimal impact on the capacity of nearby junctions. **This overcomes our objection reason 1 above.**

At Appendix G of the TA, a drawing has been provided showing that visibility splays of 25m can be provided at the access junction onto Station Approach. This is adequate for the speeds surveyed, though it is still a slight risk that Station Approach is not public highway and not in control of the applicant. **However, this is sufficient to overcome our objection reason 2.**

No further details have been provided regarding the pedestrian access along the access road, or about cycle parking. **Objection reasons 3 and 4 still stand.**

Officer comment - it is anticipated that the revised plans will overcome reasons 3 and 4 above, and that reason 5 will be withdrawn

Objection reason 5 still stands.

An updated Surface Water Drainage Strategy has not been submitted. **Objection reason 6 still stands.**

Officers comment - Subsequently a Drainage Strategy has been submitted and OCC have indicated that they are content

OCC Education: raise **no objections** subject to Section 106 contributions being secured for nursery provision expansion at Harriers Banbury Academy. They do not seek contributions to primary, secondary or SEN provision solely due to the Regulation 123 of the CIL Regs which prevent pooling of contributions and the need to reserve their ability to seek contributions from larger developments in the area in future.

6.4 ENVIRONMENT AGENCY: **object** to the proposed development because there is an inadequate ecological buffer zone to the River Cherwell, and the proposed layout would result in permanent shading of the river channel. They recommend that planning permission should be refused on this basis. They comment that:

- the current proposal offers no ecological buffer between the River Cherwell and the development.
- The applicant has provided a standoff, but this offers no ecological value to local wildlife and the height of the buildings adjacent to the river would result in permanent shading of the bank and channel.
- The redevelopment of the site offers a rare opportunity to enhance degraded river habitat and create a wildlife corridor along the river.
- The riparian zone through Banbury is often heavily developed, leaving little room for wildlife.
- We would like to see the site layout reconfigured to provide an ecological a buffer of a minimum 10 metres in width, measured from the top of the bank, and the building height along the river reduce to ensure that the river and bank are not shaded.

- The new layout should include a scheme for providing new wildlife habitat which will buffer the river from the disturbance associated with development.

It has been suggested that this matter can be overcome by condition. The EA's response to that suggestion is awaited

6.5 THAMES WATER: comment that they have been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed." They also draw attention to public sewers crossing or close to the development, and ask that the applicants provide a drainage strategy.

6.6 CANAL AND RIVER TRUST: say that in their opinion as a statutory consultee the main issues relevant to them are

- a) Impact on the heritage, character and appearance of the waterway corridor
- b) Increased use of the towpath
- c) Impact on the structural integrity of the canal due to the proximity of the building to the canal.
- d) Impact on the structural integrity of the canal due to the drainage proposals.
- e) Impact on the biodiversity of the waterway corridor.
- f) Sustainable Energy

They considered that additional information, suitably worded conditions and a legal agreement are necessary to address areas of concern.

With regards to (a) above they say that the development would make a positive contribution to the canalside environment, towpath and to the setting of the Conservation Area. The scale, form and massing of the residential development, as indicated, seems appropriate to the location, and the importance of the canal corridor is recognised as part of those proposals. In principle, this element of the current proposals has the potential to make a positive contribution to the canal, and the overall townscape particularly if it becomes a primary link between the railway station and the town centre.

With regards to increased use of the towpath (b above) CRT seem not to have picked up upon the changed pedestrian access possibilities that the enlarged site provides, and still seek a substantial contribution to the upgrading to the towpath. Further discussion between the parties on this matter is necessary in the light of the development having no connection to the towpath, or at most a secondary access.

On the structural integrity of the canal (c) they note that the application is in outline only, and that layout is a reserved matter. However, the submitted details show the development in close proximity to the canal boundary

On issue (d) above they comment that the drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage and full details should be submitted and agreed. This detail could be required by condition.

On biodiversity (e) they say the waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways.

Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution preventions measures should be provided. They acknowledge that these issues could be addressed by the imposition of a condition requiring the submission of a Construction and Environmental Management Plan

Finally on sustainable energy (f) they note that the application is not supported by an Energy Statement. In accordance with Policy ESD3 of the adopted Cherwell Local Plan an energy plan setting out the proposals for the site should be included with any reserved matters submission.

The Trust wish to highlight the potential of using the canal for heating & cooling and this should be considered as an option within the energy plan for the site.

6.7 HISTORIC ENGLAND: Comments awaited

NON-STATUTORY CONSULTEES

6.8 NHS OXFORDSHIRE CLINICAL COMMISSIONING GROUP (OCCG): would like to register an **objection**. OCCG notes (as submitted to Cherwell DC in January 2017 for inclusion in the Infrastructure Development Plan) that primary medical care in North Oxfordshire is mostly at capacity, and further housing growth will require additional or expanded infrastructure to be in place. OCCG therefore object to this application pending agreement of appropriate contributions to primary care infrastructure. We would be seeking a developer contribution of £54,432 to support improvement of local primary care infrastructure if this development were to go ahead. This calculation is based on OCCG's adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure. The size of this development does not justify a new separate health centre or equivalent, so we would anticipate funds being used for enhancing existing primary care medical infrastructure to meet the needs of a growing population. We would wish to engage in detailed discussion about the developer contributions for this development.

6.9 NETWORK RAIL **objects** to the use of the station roadway as a proposed new access and egress to the applicant's property for residential development purposes as it will result in increased use of the station roadway and have a detrimental impact on station customers gaining access to and exiting the station. The station entrance/exit is via a heavily congested junction, and the additional number of vehicles generated by the proposed new development, would exacerbate the situation and have an adverse impact on the operation of the station and Network Rail's ability to gain urgent access and egress to their property including the railway/depot. The proposed use would also lead to additional wear and tear on Network Rail's station roadway.

In addition Network Rail (as a landowner) is not aware of any formal pedestrian and vehicular access rights over their property, along the station approach roadway between Bridge Street and the applicants property, for the proposed residential use. Network Rail therefore objects to the applicant gaining this proposed access over Network Rail's property unless the applicant is able to provide documentary evidence to Network Rail that they have sufficient access rights over Network Rail's freehold to serve their proposed residential development, whereupon Network Rail would withdraw this specific objection. It is also noted that the applicant has not included the access roadway leading to their development within the attached

redline boundary. The proposal also identifies potential links from the development to the station which will require the consent of Network Rail (and Chiltern Railways) subject to agreement of commercial terms and a formal legal agreement subject to railway and regulatory approvals.

6.10 CDC ENVIRONMENTAL PROTECTION comments on various aspects as follows:-

- Noise: suggests conditions on protecting the flats from noise, and a Construction Environment Management Plan (CEMP)
- Contaminated Land: suggest the normal contaminated land conditions will need to be applied to any approved permission.
- Air Quality: No comments.
- Odour: There is a potential for the proposed residential properties to be affected by odour coming from the nearby industrial and commercial units which should be taken into account and assessed. If mitigation is required this should be in place prior to the first residential occupation.
- Light: No comments

6.11 CDC INVESTMENT AND GROWTH TEAM, REGENERATION AND HOUSING

On a development of 63 units, we would expect that 19 would be Affordable Housing. This is 30% of the total in line with our Affordable Housing Policy for developments in Banbury. Our current policy mix is for 70% of the affordable housing to be for affordable rent with the remainder being shared ownership. The tenure mix should therefore be:-

Affordable Rent

10 x 1 bed (2P) flats

4 x 2 bed (3P) flats

Shared Ownership

5 x 2 bed (3P) flats

The indicative clustering of the affordable units is not acceptable as all of the units should not be clustered together. We would expect in this type of development that there would be no more than 8 units in one cluster.

We would expect that 50% of the rented housing is built to Lifetime Homes standards and comply with part M4(2) of the Building Regulations.

I note that only 63 parking spaces are provided for the scheme as a whole and would suggest that this number needs to be increased as the units are not all one bedroom. The parking for the affordable units should then be proportionately consistent with the total number for the whole site.

The Registered Provider taking on the affordable housing units would need to be agreed with the Council.

6.12 CDC PLANNING POLICY: No comments received

6.13 CDC LEISURE Clarification of their requirements on sports facility and community hall contributions are awaited.

6.14 CDC CONSERVATION - comments on revised proposals awaited

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- Policy Banbury 1 : Banbury Canalside
- Policy BSC2: Effective and efficient use of land
- Policy BSC 3: Affordable Housing
- Policy BSC 6 : Travelling Communities
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD15 The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Adopted Banbury Masterplan 2016
- Planning Policy for Traveller Sites 2015 (PPTS)
- Draft Banbury Canalside SPD 2009

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Planning appeal history
- Loss of caravan site
- Access for cars and pedestrians
- Heritage impact
- Impact upon canal and river
- Drainage matters
- Environmental health matters
- Infrastructure

Principle of Development

- 8.2 Policy BAN1 of the adopted Local Plan provides a detailed policy for the regeneration of the Canalside area and the assessment of applications within the area. It proposes that the area will contain 700 houses and 15,000 m2 of commercial and town centre uses (the latter in the northern part of the site). The policy sets out the infrastructure needs for the development and a whole raft of key site specific design and place shaping principles.

Key relevant site specific design and place shaping principles in Policy BAN 1 are set out below:

- Proposals should comply with Policy ESD15
- A distinctive residential proposition for Banbury that integrates well and helps make connections with the adjoining town centre and Railway Station
- An appropriate location for higher density housing to include a mixture of dwelling styles and types
- A high quality design and use of innovative architecture, including the use of robust and locally distinctive materials, which reflect the character and appearance of Banbury, respect the setting of the retained historic buildings and in particular reference the canal side location
- Taking advantage of the accessibility of the town centre, an age friendly neighbourhood with extra care housing and housing for wheel chair users and those with specialist supported housing needs
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities. New footpaths and cycleways should be provided that link to existing networks, with provision of a designated pedestrian and cycle route from the station to the town centre over the canal and river and a new pedestrian / cycle bridge over the railway
- New pedestrian and cycle bridges erected over the Oxford Canal and the River Cherwell to enable and encourage walking and cycling through the site
- The River Cherwell should be maintained in a semi natural state and mature trees should remain
- Provision of a landscape corridor along the edge of the river to facilitate a footpath and cycleway on one or both sides for the length of the river through Canalside to link the open countryside of the Cherwell Valley to the south with Spiceball Park to the north
- Open/urban spaces provided in various locations within the site and new trees planted
- The implementation of proposals in the Movement Strategy including improved junction arrangements on Bridge Street and Cherwell Street to improve traffic capacity but also to facilitate pedestrian movement between the town centre and Canalside
- Parking provision that complies with County Council's Parking Standards for new Residential Developments Policy and will not exceed maximum standards. Some car free areas or areas of reduced levels of parking with innovative solutions to accommodating the private car
- A transport assessment and Travel Plan to accompany development proposals
- Development fronting on to the canal and public access to and from the canal
- Preservation and enhancement of the biodiversity value of the site, with the enhancement, restoration or creation of wildlife corridors (recognising the importance of the river and canal corridors)
- Provision of sustainable drainage in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the recommendations of the Council's Strategic Flood Risk Assessment
- Compliance with policies ESD 1-5 on climate change mitigation and adaptation
- Take account of the Council's Strategic Flood Risk Assessment for the site

Additional requirements for this large complex site include:

- Development proposals will be expected to be in accordance with a Supplementary Planning Document (SPD) for the site. Ideally proposals should come forward for the whole site accompanied by a detailed masterplan but applications for parts of the site may be permitted provided that they clearly demonstrate their proposals will contribute towards the creation of a single integrated community. Applications should cover significant land area within the site in order to achieve continuity in design and delivery of the vision. Reduced levels of open space may be considered if it can be demonstrated that high quality urban spaces are being provided within the scheme and strong links are being provided to the open areas to the north and the south by improvements to the Canal walkway.
- The Canalside area falls primarily within Flood Zones 2 and 3 at present. It has been subject to flooding in recent years and the Environment Agency (EA) has completed a scheme to provide flood alleviation to the town centre. The scheme will provide a defence for flood events up to the 1 in 200 year (0.5% annual probability) by constructing a flood storage area upstream of the town centre and bunds in places in the Canalside area. To assess the potential flood risk in the Canalside area, a level 2 Strategic Flood Risk Assessment has been undertaken to assess both the fluvial flood risk to the development proposals from the River Cherwell and the flood risk associated with the Oxford Canal. This confirms that with the implementation of the Flood Alleviation Scheme and the implementation of other measures on the site the site can be redeveloped safely. Applications will be required to follow the requirements set out in the Strategic Flood Risk Assessment and a detailed Flood Risk Assessment (FRA) for the site will be required with any planning application include further consultation with landowners and businesses.

8.3 Para C.137 of the Local Plan and the latter part of the Policy indicate that a Supplementary Planning Document (SPD) will be prepared for the site and that applications will be expected to be in accordance with that SPD. The Policy can be read in full in the Local Plan. The Canalside SPD has yet to be formulated.

8.4 In December 2016 the Council adopted the Banbury Vision and Masterplan as a supplementary planning document. That document includes proposals to connect the town centre to the rail station and has a section that identifies the key urban design and development principles for strategic sites identified in the Masterplan including the Canalside area. It includes the following statements:

- Canalside is a strategic site, which has the potential to have a profound effect on the long term vitality and attractiveness of the town centre. It is located between the railway station and the retail heart of the town, but is separated from it by the busy Cherwell Street. The development area extends to approximately 20 hectares and includes land to the east of Cherwell Street and to the south of Bridge Street. It has the potential to play a vital role in enhancing activity in the town centre by the relocation of traditional employment uses to more appropriate sites and developing the land for residential, mixed use and related town centre uses. It can also play an important role supporting the planned investment in the railway system, by improving connectivity between the station and the town centre and by providing development opportunities next to the station.
- Canalside can become a vibrant, modern, mixed-use quarter containing residential, office, commercial and retail uses. There is the potential for higher density development to the north of Canalside and close to the town centre, and lower density residential development to the east of Tramway. In some places

reduced levels of car parking may be appropriate considering that some living near to the town centre may have less need for access to a private car. The density can be achieved with a majority of family homes on the south and east of the development area, with apartments and three storey town houses to the north and closer to the town centre.

- Cherwell District Council will need to lead the redevelopment process by preparing a SPD, promoting change, investing in infrastructure and enabling the development.

8.5 An appendix to the Masterplan contains an urban framework plan and a list of key principles. This can be seen on the Council's web-site.

8.6 In the absence of a Canalside SPD it is difficult to form an accurate assessment of the way in which this small (but now enlarged) site would integrate into this wider regeneration and development opportunity. In your officers opinion the appeal site should have been brought forward in conjunction with the areas of land to the north, so that all of the area between the canal and the river, north of Haslemere Way could be considered together.

8.7 The site has now been enlarged to take in the car park land adjacent to Station Approach. It now only lacks the small warehouse site at the north-eastern corner of the land between the river and canal. This is a substantial improvement over the previously refused scheme, and given the Inspectors comments it is considered acceptable to approve the principle of residential development of this scale at this time.

8.8 However, without clear knowledge of the likely land uses and form of development to west and east on the opposite sides of the canal and river respectively it still cannot be guaranteed that this development will not prejudice what may be promoted on those sites.

8.9 Whilst the illustrative plans show the opportunity to form bridges across the canal and river, it is not known, and will not be known until the adoption of an SPD, whether these necessary connections are in the right place. The illustrative layout plan now shows the possibility of providing a pedestrian and cycle connection across the site in a central location, rather than the previously shown route at the most southern end. Connections to west and east seem more likely to be able to be achieved on this alignment and again therefore it is considered that this scheme is now approvable.

Loss of caravan site

8.8 The site currently contains a caravan site which has been included in the Council's gypsy and traveller site provision. Policy BSC 6 of the adopted Local Plan deals with the issue of making provision for the needs of the travelling community and Para B.139 of the Local Plan specifically refers to the need to ensure re-provision of any loss as a result of the Banbury Canalside proposals.

8.9 In the Annual Monitoring Report 2016 it was demonstrated that there continued to be a need to provide new pitches for travellers and gypsies as the Council cannot currently demonstrate a five year supply. The recently published GTAA identifies a need for 7 additional pitches for households that match the re-defined definition of who constitutes a traveller or gypsy. The study also identifies a need for up to 20 additional pitches for unknown households (where it is not possible to distinguish whether or not they meet the new planning definition). Current occupiers of the site may well fall into this latter category.

- 8.10 The national Planning Policy on Traveller Sites (PPTS) states (para.21 of Policy G) that local planning authorities should work with the planning applicant and the affected traveller community to identify a site or sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site. Local Planning Authorities are entitled to expect the applicant to identify and provide an alternative site, providing the development of the original site is authorised.
- 8.11 The applicant's agent does not accept that this is a site to which the above policies apply as the tenants are considered to be non- gypsy and non-traveller, but in any event they seek to demonstrate that the current owner also owns or controls other sites that his tenants could move to. These were listed in the previous application as being in Mollington, two in Coventry, Shipston on Stour and Trowbridge. There must be some doubt attached to this assertion as it is claimed that none of the previous tenants are gypsy/travellers but the Mollington site only has permission for occupiers who comply with the definition of gypsy and travellers. Furthermore the other sites are considered too far distant to meet the needs of these tenants who presumably would wish to remain Banbury based. A further site to the south of Tramway Road has also been tabled, but this seems to be unlikely to be acceptable.
- 8.12 Discussions with the County Council Gypsy and Travellers Officer have confirmed that none of the previous caravan pitch occupiers are Gypsies and Travellers, and that it may be some time since such occupiers have used the facility. Furthermore that permission granted in the 1970s was not specifically for or limited to such occupiers. In these circumstances your officers consider that a refusal based on the loss of this facility could not be sustained at appeal.

Highway Matters

Traffic

- 8.13 As detailed at para 6.3 above, following receipt of amended plans OCC as LHA have no objections with the traffic generated by the proposal. They therefore do not share Network Rail's concerns about congestion on Station Approach.

Vehicular and Pedestrian Access

- 8.14 In the former application both vehicular and pedestrian means of access to Station Approach were proposed to be solely provided via the existing access way which passes between the car park and commercial buildings to the north of the site. This was narrow. Whilst it was wide enough to allow two cars to pass with care, it was not sufficient for wider vehicles to pass one another. There was no separate protected provision for pedestrians who would have to share this width. That application was amended to provide an additional pedestrian access to the site via the canal towpath, but the Council still considered the access arrangements to be unsatisfactory. The Inspector agreed and this was the main point on which the Inspector dismissed the appeal.
- 8.14 As already explained the site has now been enlarged to take in the surface car park north of the original site. This solves the issue of the width of the access, allowing a sufficient carriageway width to accommodate two way traffic and a pavement. Notwithstanding OCC's continued concern about pedestrian access your officers are content that the illustrative layout demonstrates that adequate provision can be made

Cycle Parking and Bus Link

- 8.15 OCC concerns about cycle parking can be dealt with by condition. Their concern about the scheme potentially prejudicing the bus link inherent in the Canalside proposals are not shared, and this objection has now been withdrawn in any event.

Towpath

- 8.16 The Canal and River Trust continue to seek a contribution towards the improvement of the towpath, which they assume will be more heavily used by residents accessing their property. Limited information has been provided by the CRT to justify this assumption. The revised illustrative layout does not show any connection to the towpath, albeit it is possible to conceive of future layouts that might include such a provision. Discussions are to be held with CRT and the applicant about how to progress this matter.

Connections

- 8.17 Policy BAN 1 and the masterplan identify the need to improve connectivity within Canalside and between the rail station and the town centre, and that this would require the provision of more crossings across the canal and river. This application proposal recognises that need and shows positions where these could be placed leading to and from their site.
- 8.18 The County Council has suggested a formula by which bridge contributions could be calculated and the applicants have indicated their willingness to contribute to that extent. In assessing the earlier application your officers considered that only through the mechanism of an SPD could the infrastructure requirements of the Canalside be identified and quantified and their costs apportioned to individual developments. This was seen as further evidence of how that proposal was prejudicial to the wider delivery of the regeneration proposals and was premature to the conclusion of the SPD. Members will have seen that this view was not accepted by the Inspector, and these current arrangements are therefore considered acceptable.

Heritage impact

- 8.19 The Oxford Canal (and its towpath) and the land between the canal and Lower Cherwell Street is a Conservation Area. A brick commercial building on the opposite bank of the canal is a locally listed building. The listed former town hall building in Lower Cherwell Street lies further away to the south on Lower Cherwell St. The redevelopment of this site for 3 storey residential use is considered acceptable and the change from a caravan site and an open car park can be seen as positive improvements to the setting of the Conservation Area.
- 8.20 The application is accompanied by illustrative elevations which show building positions and designs which are considered by your officers to be likely to be acceptable, although the CRT had changed its position from supporting the earlier scheme to having reservations about the northern element of the new scheme (note - the illustrative plans have been subsequently changed to show the same format of development on both parts of the site) Of course the illustrative elevations are not for formal consideration at this time. Consequently it is considered that the development could be undertaken in such a way that it will not cause harm to the character or appearance of, and setting of the Conservation Area, nor will it be detrimental to the setting of the locally listed building, and that these issues can be addressed further at reserved matters stage.

Impact upon the canal and river

- 8.21 With regards to the canal other than heritage which is discussed above there is also the need to consider the impact upon the structural integrity of the canal due to the proximity of the building to the towpath and its ecology (Drainage issues are discussed below under a separate heading)
- 8.22 The Canal and Rivers Trust point out that land stability is a material consideration. Both the buildings and any ramps to the towpath have the potential to impact upon the stability of the canal infrastructure. This matter can be adequately dealt with at outline stage however by the imposition of a condition requiring that the details of all earth moving, excavations, and foundation design should be submitted to and approved by the local planning authority.
- 8.23 Clearly both the canal and the river have rich biodiversity. The Canal and River Trust express concern about the potential for a detrimental impact upon the biodiversity of the canal through the construction period and consequently wish to see a condition requiring a construction and environmental management plan attached to any permission granted. On the previous application the CDC ecologist noted that the phase 1 habitat survey provides good baseline information on all matters except the potential impact upon otters.
- 8.24 The Environment Agency have objected to the scale of development and its proximity to the river channel. They advise that a 10 metre wide buffer should be provided between the buildings and the top of the river bank and that buildings on that side of the site should be reduced in height. It has been ascertained that a 10m wide buffer zone can be provided without impacting upon the delivery of the number of housing units proposed, as this is now shown on the amended illustrative layout, and that reducing height of the block on this side of can be looked at during detailed design at reserved matters stage. It is suggested that there are good opportunities to provide ecological enhancement as a function of this development through landscaping, provision of bat and bird boxes etc.

Drainage Matters

- 8.24 The site lies within a wider area that is within Flood Zones 2 and 3 albeit that it is provided with protection from flooding by the Banbury Flood Alleviation Scheme. The application site itself however is a small island of Zone 1. The Environment Agency raise no objections with regards drainage provided that the submitted Flood Risk Assessment measures are carried out. OCC's previous objection on drainage grounds has been withdrawn.

Environmental Health matters

- 8.25 Issues related to noise, construction environmental and contaminated land can be dealt with by condition. The EPO also draws attention to the potential for the proposed residential properties to be affected by odour coming from the nearby industrial and commercial units.

Infrastructure

- 8.26 Given the housing mix proposed (26 x 1-bed and 37 x 2-bed) the level of education contributions is relatively low and as a consequence of the CIL Regulations OCC do not consider that contributions are warranted for anything other than nursery school provision . A contribution of £39,462 has been requested by OCC for the footbridges and discussions on this is a matter of continued discussion with the applicant and OCC.

8.27 The liability for infrastructure contributions on this strategic housing site would ideally be assessed on the basis of the emerging SPD for Canalside. Such matters as transport, education, sports facilities, open space and play provision (amongst others) need assessing holistically so that a fair apportionment per housing unit can be established in cases where the site is coming forward in a non-comprehensive way (as in this case). However, this viewpoint was not accepted by the Inspector in determining the appeal. The applicant content with the majority of the requests received (subject to assessing final justifying evidence)

8.28 The legal agreement is likely to cover

- Affordable housing as previous UU
- Canal towpath contribution – This matter is still being discussed by the applicant and CRT
- Cemetery contribution – as previous formula
- Community hall contribution – pro rata increase from previous UU on the basis of 63 units rather than 44
- Footbridge contribution calculated on basis set out in OCC response
- Health and well-being contribution with pro rata increase as above
- Public art contribution with pro rata increase as above
- Sports facility contribution with pro rata increase as above
- Waste contribution with pro rata increase as above
- Education contribution as revised in latest correspondence

This will cover all of the infrastructure contributions etc. that can reasonably be required from this development

PLANNING BALANCE AND CONCLUSION

9.1. The enlargement of this site from the scheme previously refused and dismissed at appeal has resulted in the provision of an acceptable vehicular and pedestrian access, that being the only matter upon which the appeal Inspector agreed with the Council in its previous refusal of permission.

9.2. During the life of this application the illustrative plans and accompanying Design and Access Statement have been amended to produce an outline scheme that demonstrates that a comprehensive, rather than piecemeal, development can be achieved on this site, and subject to conditions, will ensure that the quality on this site will set the standard for other development on nearby sites.

9.3. Whilst it is unfortunate that the Inspector did not accept our arguments concerning the issues caused by having to consider approving the scheme in advance of an SPD for the Canalside area in terms of the connectivity through the site and the appropriate level of contributions, your officers consider that the pedestrian/cycle route now shown across the site and the negotiated Section 106 package of infrastructure contributions are satisfactory. Overall therefore the latest scheme is considered acceptable.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

- No new material considerations being raised by consultees and third parties to the amended plans
- Completion of a planning obligation under Section 106 of the Town and

Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.28;

- Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

Draft summary of conditions, detailed conditions will follow in written updates

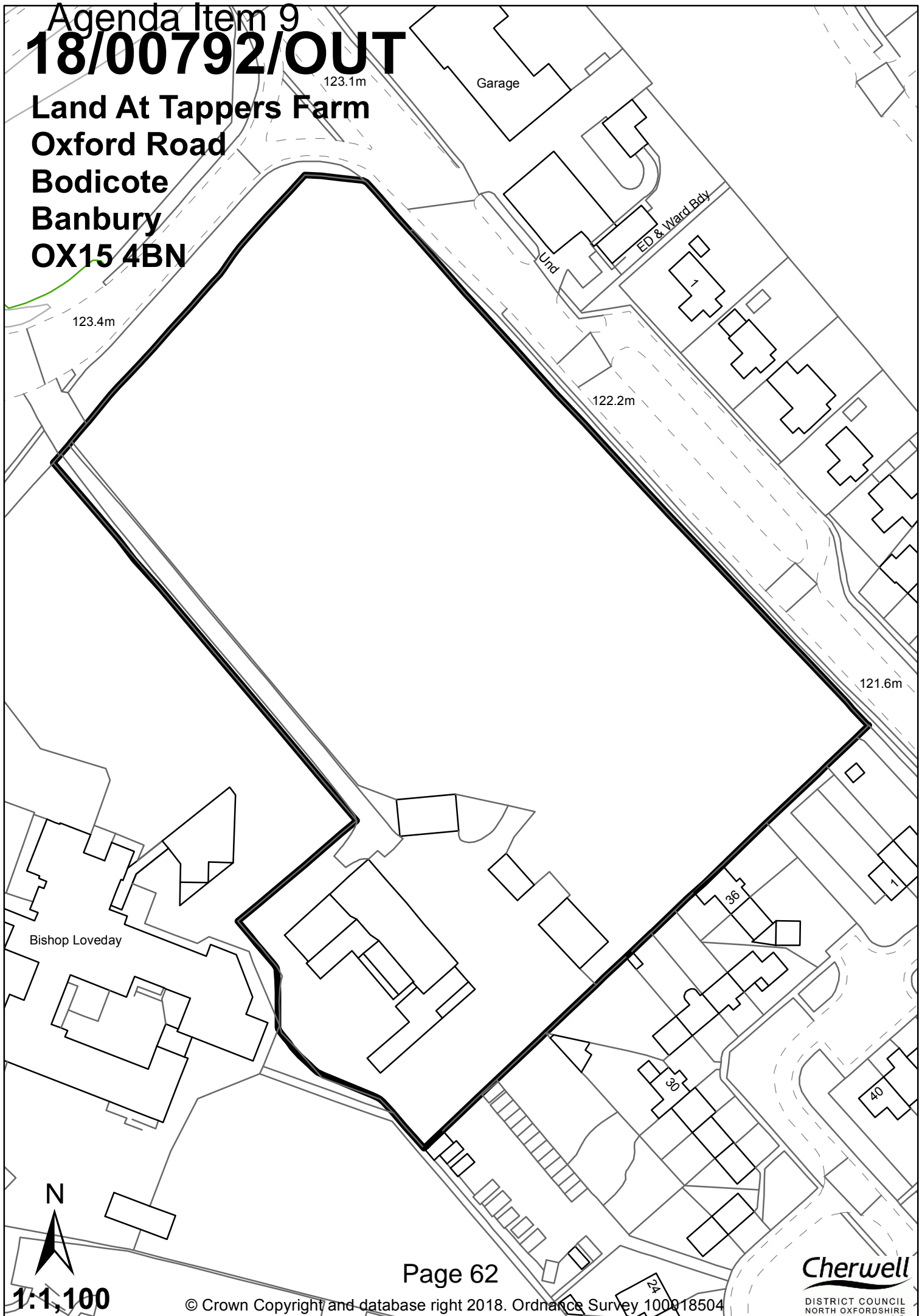
1. Standard condition requiring submission of all reserved matters except access
2. Reserved matters to be submitted within 3 years
3. Development to be undertaken within 2 years of approval of reserved matters
4. Development in accordance with application forms, and in general accord with site layout and revised Design and Access Statement
5. Provide 10 metre ecological buffer zone to river
6. Full details of access including pedestrian access to be submitted
7. Cycle parking required to OCC standard
8. Layout plan to accommodate turning of refuse vehicle
9. Construction Traffic Management Plan required
10. Surface water drainage scheme details
11. Development in conformity with FRA and set floor levels
12. Require construction methodology and management plan with particular reference to impact upon the canal and river
13. Foul and surface water drainage details required
14. Construction and environment management plan required
15. Contamination investigation
16. Contamination mitigation if found
17. No occupation until contamination mitigation completed
18. Protected species survey and mitigation
19. Biodiversity enhancement method statement required
20. Require Energy statement
21. Require noise report

CASE OFFICER: Bob Duxbury

TEL: 01295 221821

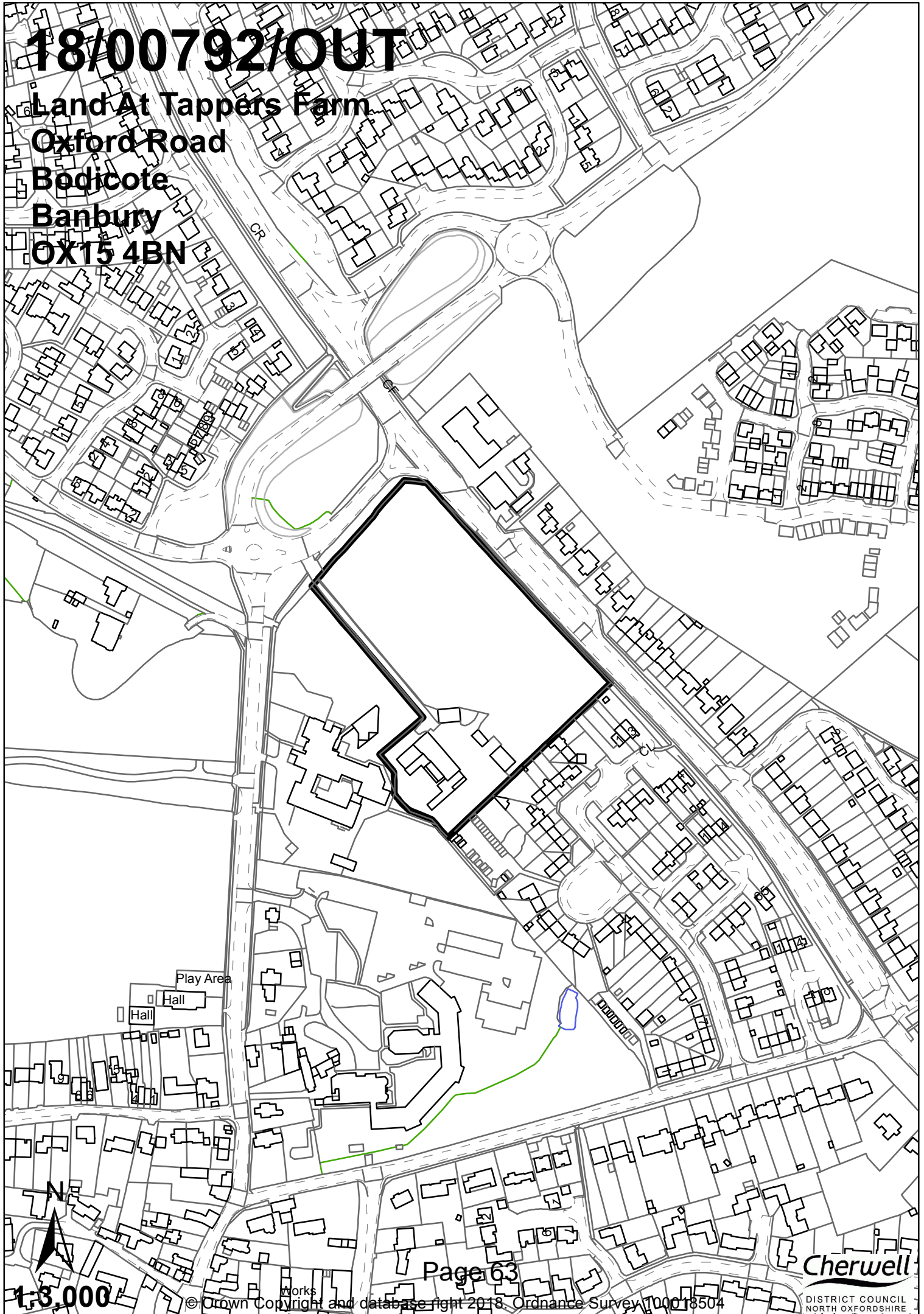
Agenda Item 9
18/00792/OUT

**Land At Tappers Farm
Oxford Road
Bodicote
Banbury
OX15 4BN**



18/00792/OUT

Land At Tappers Farm
Oxford Road
Bodicote
Banbury
OX15 4BN



Play Area
Hall
Hall

**Land At Tappers Farm
Oxford Road
Bodicote
Banbury
OX15 4BN**

18/00792/OUT

Applicant: Hollins Strategic Land LLP

Proposal: Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no. dwellings, with associated works and provision of open space

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew Mchugh

Reason for Referral: Major Application

Expiry Date: 9 August 2018 **Committee Date:** 25 October 2018

Recommendation: Approve

Executive Summary of proposals and recommendation

The application is reported to the Planning Committee as it is a major application.

Proposal

Outline planning permission is sought for up to 46 dwellings. All matters are reserved except for access, which is proposed from White Post Road. The site is the field on the corner of White Post Road and Oxford Road, Bodicote.

Consultations

The following consultees have raised **objections** to the application:

- Bodicote Parish Council, NHS Oxfordshire Clinical Commissioning Group (pending agreement of appropriate contributions to primary care infrastructure).

Third Parties:

- 6 letters of **objection** have been received. Banbury Civic Society and CPRE have also **objected**.

Planning Policy

The site is unallocated in the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2031). Bodicote is designated a Category A Village in the CLP 2031 and as such suitable for minor development within its built up limits.

The application has been assessed against the relevant policies in the adopted Local Plan as well as the National Planning Policy Framework (NPPF) and other relevant guidance.

Conclusion

The key issues arising from the application are:

- Principle of development
- Visual impact and effect on the character of the village and its setting
- Coalescence
- Highways/Access
- Impact on Trees/Hedgerows
- Heritage Impact
- Ecology and Biodiversity Impact
- Drainage
- Illustrative layout and site capacity
- Impact on residential amenity
- Impact on local infrastructure and S106 matters
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable for the following reasons;

The proposal is considered to comply with the Council's spatial strategy and the principles of Policy Villages 1 and 2 of the CLP 2031 by ensuring that development is focused within the most sustainable settlements, is of an appropriate scale, is supported by services and facilities, does not exacerbate travel patterns that are overly reliant on the private car and does not give rise to unacceptable adverse impacts. The development would make a valuable contribution to housing delivery (including affordable housing) in a highly accessible location and the proposal would amount to sustainable development for which Government policy sets a presumption in favour.

RECOMMENDATION – GRANT PERMISSION SUBJECT TO CONDITIONS AND LEGAL AGREEMENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises the field on the corner of White Post Road and Oxford Road, Bodicote, just to the north-east of the Bishop Loveday School. The site area extends to 2.19ha, albeit only a small part of the site contains built development.
- 1.2. Part of the site comprises a farm shop and caravan storage, the remainder is a field used on occasions for car boot sales and community events.
- 1.3. Access to the site is currently taken from White Post Road via a hard surfaced track running along the boundary with Bishop Loveday School to the west.
- 1.4. The land is predominantly enclosed by hedgerows and the field contains a number of mature trees, 9 of which are covered by a TPO (TPO 1/93 refers). To its east runs Oxford Road, to its west lies the primary school, to its north lies White Post Road and to its south lies residential development along Park End.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks outline planning permission for the demolition of all existing buildings and for up to 46 dwellings. Access is the only matter submitted for approval at this stage; all other matters are reserved.
- 2.2. The application proposes vehicular access to be taken from White Post Road, to the east of the existing access (which will be stopped up with the kerb and verge reinstated). In addition, the illustrative plan shows that two pedestrian connections will be provided to the footpath running alongside Oxford Road.
- 2.3. Whilst layout is not submitted for approval, an illustrative layout plan has been submitted to establish the quantum of development and site capacity. This shows a large area of public open space to the northern end of the site adjacent White Post Road, with dwellings set at least 35m-50m back from the site's edge. This open space will accommodate a number of existing and proposed mature trees along with an attenuation pond. There are also areas of incidental open space around protected trees. The plans present a frontage both to Oxford Road, a central spine road and the open space. A LAP is proposed within one of the areas of open space.
- 2.4. The application has been amended since first submission following positive engagement with Officers. The number of homes has been reduced (from 52 to 46) to respond to concerns about the extent of open space, the need to retain and accommodate protected trees, the need to widen the green corridor along Oxford Road and the need to provide greater separation between the dwellings and the school. The amendments respond positively to the points made.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
00/01330/F	Change of use to allow a winter storage area for 8 No. caravans.	Application Permitted
02/01756/F	Use of agricultural land for car boot sales and increase caravan storage numbers from 8 to 12.	Application Refused
03/02193/F	Allow increase of caravan storage numbers from 8 No. to 14.	Application Permitted
04/00516/F	Increase statutory number of permitted car boot sales from 14 to 21 per year.	Application Permitted
04/02679/TPO	Fell 1 No. Horse Chestnut subject to TPO 1/93	Application Permitted
08/02000/AGN	Erection of 2 no. agricultural storage buildings	Prior Approval Not Required
09/00457/F	Retrospective: Use of site as a farm shop.	Application Permitted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
16/00346/PREAPP	Pre- Application Enquiry - Re-development of the site for residential - 22 dwellings

- 4.2. The pre-application advice concerned a much smaller development of around 22 dwellings sited in the southern section of the site between the school and Park End Close. The remainder of the site was left undeveloped.
- 4.3. The advice given recognised that the site would lend itself to sustainable new residential development given its location. However, it was further advised that the site had an open and informal rural feel which made a significant contribution to the perception of transitioning from Banbury to Bodicote and that it contributed to Bodicote's character and separate identity. It was advised that residential development and the associated upgraded access would be detrimental to the character of Bodicote and result in perceived coalescence between Bodicote and Banbury.

5. RESPONSE TO PUBLICITY

- 5.1. Both the original and amended applications have been publicised. This includes by way of site notices displayed near the site and by advertisement in the local newspaper (original plans), and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (original and amended plans). The final date for comments was 10.10.18, although comments received after this date and before finalising this report have also been taken into account.

Original Application

- 5.2. 6 letters of **objection** received. The objections raised by third parties are summarised as follows;
- Traffic generation - Access from a very busy road between a main road junction and a roundabout serving three significant residential areas and new developments as well as the Council offices, Primary School and Saltway Day Nursery. This stretch of road is subject to on-street parking and will also be used by another housing development (15/01326/OUT) and there is already rat-running. Adding further traffic and congestion could impact on road safety and safety of school children.
 - There is insufficient capacity in the local doctor's surgery and school in Bodicote.
 - Too many houses within the site.
 - Banbury has enough new homes.

- Loss of community facility (farm shop, car boot sale), green space and village identity.
- Loss of sunlight to rear elevations and gardens on Park End, as well as loss of views and privacy and increased noise.
- Loss of Bodicote's village status and integration into Banbury.
- Impact on wildlife

Amended Plans

5.3. 1 letter received confirming that the objections to the original plans still stand and commenting that the amended plans do not take neighbours into account and cause overlooking.

5.4. Banbury Civic Society **objects** on the following grounds;

- The land is shown as 'white' land in the Cherwell Local Plan 2015 -2031 and is the one remaining piece of open-space land preventing the coalescence of Bodicote with Banbury. The land could be purchased for use as public open space vested in Bodicote Parish Council. This would ensure this public open space is retained for the benefit of the local population and adjoining school.
- There are a number of large housing proposals that already have planning permission on the perimeter of Banbury that have yet to start construction.
- Skilled labour is proving hard to recruit.
- Where refusal on the grounds of coalescence is not possible then the proposal should be refused because 1) the road access to the site shown on the plan is very close to two road junctions that will become very much busier when the development between White Post Road and the A361 is completed; 2) the length and alignments of the access cul-de-sacs are problematic for large vehicles such as refuse freighters, removal and delivery lorries; 3) The turning heads are inadequate in size and layout.

5.5. CPRE **objects** on the following grounds;

- The site lies in a sensitive location between the built up limits of both Banbury and Bodicote. Its open nature contributes much to the character and appearance of both these settlements. It currently provides an important recreational use, ranging from car boot sales to hosting an annual fair and circus.
- Potential problems of traffic congestion relating to White Post Road and the adjacent Bishop Loveday School.
- Loss of visual amenity by the proposed removal of trees and hedgerow would not be outweighed by the uncertain nature of any possible mitigation planting.
- The proposed development would not be within an allocated site and taking into account the number of dwellings already permitted in Bodicote, together with the ability to demonstrate a five year housing land supply, the proposed development is neither desirable nor necessary.

- Contrary to village policies within the Cherwell Local Plan, including those relating to the coalescence of settlements and potential erosion of the identity of Bodicote village.

5.6. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BODICOTE PARISH COUNCIL: **Objects** for the following reasons;

- The site is not allocated for development in the adopted Local Plan. This Plan seeks to avoid coalescence of towns and villages.
- Bodicote is identified as a Category A village which is considered suitable for minor development, infilling and conversions. 52 dwellings does not comply with this criteria and is contrary to Policy Villages 1.
- Policy Villages 2 of the adopted Local Plan seeks to deliver 750 homes across the Category A villages. The 2017 AMR states that there are 86 dwellings left to deliver and a housing land supply of 5.5 – 5.7 years. Cotefield sites 1 and 2 provide 181 for Bodicote residents and Banbury 4 and 7 surrounding Bodicote will deliver around 2000 homes. There is therefore no need for this development to meet housing targets.
- The August 2014 SHLAA rejects the site for development given the potential landscape, visual and coalescence impacts.
- The site is not identified for development in the HELAA of February 2018.
- The site is not identified as having development potential in the Local Plan Part 1 Review to help meet Oxford's unmet housing need.
- The Bodicote Conservation Area Appraisal April 2008 states that there is no one main threat to the character and appearance of the Conservation Area, but a number of issues that are leading to the erosion of rural character and open space. There is the obvious impact of the proximity of Banbury which is undoubtedly having an urbanising effect on the village. It goes on to state that the Council promotes the retention of significant open spaces and field systems in and around the village. The open fields around Bodicote are key to the character of the area because they create a rural and historic feel to the settlement. The development planned to the north east of the village makes it even more important to retain the rural setting of the village to the west and south. It is key that Bodicote retains its identity as a village and does not merge completely with Banbury to the north.
- Coalescence. Banbury continues to encroach further into Bodicote Parish. Whilst Parish land continues to be reappportioned for Banbury's housing requirements. Bodicote has no desire to become the next Grimsbury or Neithrop, villages in their own right once upon a time, and now boroughs within Banbury Town. Thus, retaining this site as an open, green buffer

between Bodicote and Banbury Town is imperative in preserving the identity of the village and preventing urbanisation.

- Land within the Parish is in short supply, having been used for other development (such as Longford Park and Wykham Lane). Unconstrained housing growth could detrimentally affect Bodicote's ability to provide green open space and additional recreational facilities for residents.
- Bishop Loveday School serves a growing catchment area and is one of only 4 primary schools in the County to have joined the Warriner Multi-Academy Trust (one of only two within 3 miles of Banbury). It is conceivable that demand for places will increase, requiring expansion/relocation. There is no land within the village for expansion and the application site is the most logical place.
- Traffic issues. White Post Road is already heavily trafficked with high levels of on-street parking from the school, day nurseries and council offices. The Oxford Road slip is also used for parking. Surrounding developments will push volumes of traffic towards White Post Road and the flyover. There will be a compromising of safety for drivers, cyclists and pedestrians due to additional volumes of traffic.
- Additional traffic would have an effect on air quality affecting the school and day nursery. With new AQMA's still being identified in Oxfordshire, we would like to see a full assessment of the potential impact any additional development could have on air pollution on White Post Road.

STATUTORY CONSULTEES

- 6.3. THAMES WATER: **Comment.** Originally identified an inability of the existing foul water network, surface water infrastructure and water network infrastructure to accommodate the needs of this development proposal and recommended conditions to seek agreement of a phasing and infrastructure strategy. The amended submission includes a revised FRA and drainage strategy with correspondence from TW confirming that there is sufficient surface water capacity in the sewerage network to serve the development.
- 6.4. NATURAL ENGLAND: **No Comments.**
- 6.5 OXFORDSHIRE COUNTY COUNCIL TRANSPORT: **No objections** are raised to the principle of the proposed access and associated closure of the existing access and provision of a ghosted right-turn lane on the eastern arm of the White Post Road/Sycamore Drive/Bankside roundabout. No objections are raised to the principle of the two pedestrian accesses onto Oxford Road. Car and cycle parking provision can be assessed at reserved matters stage. Comments concerning the illustrative layout are made which would need to be addressed at reserved matters stage.
- 6.6 A financial contribution of £1000 per dwelling is requested towards increasing the frequency of local bus services to Banbury. Various works to be delivered via a S278/S38 agreement are also requested.
- 6.7 OXFORDSHIRE COUNTY COUNCIL DRAINAGE: **No objections to the amended proposals** subject to conditions concerning surface water drainage details.

NON-STATUTORY CONSULTEES

- 6.8 CDC ENVIRONMENTAL PROTECTION: **Comment.** Whilst there are no comments concerning odour or light, on matters concerning noise a condition is requested requiring a Construction Environmental Management Plan (CEMP) and appropriate noise mitigation measures; on matters concerning contaminated land conditions are recommended to deliver further intrusive surveys; on matters of air quality a condition is required to make provision for future electrical charging infrastructure.
- 6.9 CDC LANDSCAPE SERVICES AND CDC RECREATION AND LEISURE: **Comment** - require financial contributions to open space/landscaping/SuDS maintenance, off-site indoor and outdoor sports facilities, community halls and public art.
- 6.10 CDC PRoW: **Comment** - The closest right of way to the site is the restricted bridleway located on Salt Way. The entrance and surrounding highway to the front of the site is regularly used every week day as parking/drop off/collection point for the primary school. There is a need to ensure that there are no obstructions to the bridleway entrance on White Post Road.
- 6.11 CDC STRATEGIC HOUSING: **Comment** - require 35% affordable housing provision. 70/30 rented/shared ownership and clusters fewer than 10 units. 50% to meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. 100% of the affordable rented units are to be built to the government's Nationally Described Space Standard (Technical Housing Standards).
- 6.12 CDC ARBORICULTURE: **Objected** to the original plans as two of the protected trees were proposed for removal and homes were extremely close to a third. **No Objections** to the amended plans as they avoid the unnecessary removal of protected trees.
- 6.13 CDC ECOLOGY: **Comment.** The submitted report is satisfactory in terms of surveys and shows relatively few constraints on site as regards the species present.
- 6.14 The amended illustrative layout is an improvement and allows a little more green space on site, although the green corridor along Oxford Road still dwindles in places. The Biodiversity Calculator shows a modest overall net gain. Conditions to secure biodiversity enhancements, a Management Plan (LEMP), lighting details, and a Construction Management Plan (CEMP) are recommended.
- 6.15 OCC EDUCATION: **No objections** subject to financial contributions of circa £370,000 (based on 52 homes) towards provision of a new primary school south of Salt Way.
- 6.16 OCC ARCHAEOLOGY: **No objections** subject to conditions to secure further archaeological assessment.
- 6.17 NHS OXFORDSHIRE CLINICAL COMMISSIONING GROUP (OCCG): **Object.** OCCG notes that primary medical care in North Oxfordshire, and particularly the Banbury area, is mostly at capacity and further housing growth will require additional or expanded infrastructure to be in place. OCCG therefore object to this application pending agreement of appropriate contributions to primary care infrastructure.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 Part 1 (CLP 2031) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2031 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1- District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC 3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD7- SuDS
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1
- Policy Villages 2

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C8 – Sporadic development in the countryside
- C15 – Prevention of Coalescence of Settlements
- C31 – Compatibility with residential character
- C33 – Retention of important gaps
- ENV1 – Prevention of environmental pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Visual impact and effect on the character of the village and its setting

- Coalescence
- Highways/Access
- Impact on Trees/Hedgerows
- Heritage Impact
- Ecology and Biodiversity Impact
- Drainage
- Illustrative layout and site capacity
- Impact on residential amenity and noise
- Impact on local infrastructure and S106 matters
- Other matters

Principle of Development

- 8.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise¹. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However the NPPF is a significant material consideration.

NPPF

- 8.3. Paragraph 11 of the NPPF explains the Government's presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with an up to date development plan and in cases where there are either no relevant development plan policies or those policies important for determining the application are out of date; granting permission unless the NPPF policies provide a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits.

Development Plan

- 8.4. The Development Plan comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP1996) and the 2015 adopted Cherwell Local Plan (CLP 2031 Part 1). The policies important for determining this application are referenced above.
- 8.5. The CLP 2031 spatial strategy is to direct most growth to locations within or immediately adjoining Banbury and Bicester. Other than RAF Upper Heyford and Kidlington, growth across the rest of the District will be much more limited and directed towards the larger and more sustainable villages. Development in the open countryside will be strictly controlled.
- 8.6. The site, whilst lying within Bodicote Parish, can be considered to immediately adjoin Banbury. Bodicote is designated a Category A Village under Policy Villages 1 of the CLP 2031 and is therefore one of the most sustainable of the District's villages. Whilst development with the open countryside is to be strictly controlled, in this case the site appears more as an undeveloped parcel of land in an urban/suburban context rather than as part of the open countryside setting of the village. The site already contains an element of built development in the form of the farm shop and storage buildings. It is noted that to the east lies development along the Oxford Road with Longford Park beyond, to the south lies development at Park End, to the west lies the primary school and to the north White Post Road. Beyond White Post lies the wooded area and the flyover. The site is therefore well-contained by existing built up development, both of Bodicote and Banbury. The development of

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

this site for housing given its very specific circumstances therefore does not materially conflict with the Council's spatial strategy referenced above.

- 8.7. The Parish Council is correct that the site is unallocated in the CLP 2031. Policy Villages 1 and Policy Villages 2 are used to assess residential proposals that come forward in villages. Policy Villages 1 supports minor development within the built up limits of Category A villages. Whether the site lies within the built up limits of the village is a matter of judgement as no such limits are defined in local policy. In forming a judgement the above mentioned site circumstances should be given due weight. One interpretation of built up limits is where the character of the area changes from being 'built up' or 'urban' and therefore belonging to the character of the built up area, to being 'rural', 'loose knit' and more akin, and visually related to, the countryside. In the view of Officers, the application site's character is more akin to the former and these very particular circumstances lend weight to a view that the site lies within the village's built up limits; although this is a matter of judgement.
- 8.8. In terms of scale, Bodicote's population (2011) is just over 2,000 and the village continues to grow to the south. It is located in a very accessible location close to Banbury and with good bus links to both Banbury and Oxford. It has recreation and community facilities, a school, shop and post office, pubs and restaurant, is the home of the Council offices offering employment and has access to the petrol filling station and small shop on Oxford Road. In this context consideration should be given to whether the addition of a further 46 dwellings could reasonably be considered minor development in accordance with the principles of Policy Villages 1. Whilst this policy typically seeks to manage sites for fewer than 10 houses this is not exclusively so² and regard must be given to the relative nature of scale and specific site circumstances.
- 8.9. Whether minor development is acceptable or not should be considered in light of Para C262 of the CLP 2031 which states that when assessing whether development proposals constitute acceptable 'minor development' regard should be given to the size of the village and its service provision; the site's context; whether development is in-keeping with character and form of the village; landscape setting and consideration of scale. These are all considered in this report.
- 8.10. Policy Villages 2 is also of relevance. This supports development of sites for more than 10 homes at the Category A villages in certain circumstances. 750 homes are to be delivered across these villages. As of 31 March 2017 the 2017 Annual Monitoring Report (AMR) states that there are 86 dwellings remaining (i.e. sites with planning permission or a resolution to approve amount to 664 dwellings). It is however noted that a recent appeal decision at Launton granted outline planning permission for a further 72 dwellings³. In that appeal decision the Inspector commented on the relatively slow delivery of the permissions granted. When considering sites under this policy regard will be given to a number of criteria concerning the site's environmental value, the impact of development and deliverability. It is considered that the development of this site would comply with these criteria.
- 8.11. It is acknowledged that Bodicote is already delivering new housing at Cotefield Farm. It is also acknowledged that the 750 distribution of homes across the

² Para C.254 of the CLP 2031

³ APP/C3105/W/17/3188671

⁴ Housing Land Supply Update July 2018

Category A villages during the plan period is now met in terms of permissions granted/resolutions to approve. It is further noted that as of July 2018 the Council has a 5.4 housing land supply⁴ and that the Written Ministerial Statement of 12th September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated. These are all matters to be weighed in the planning balance.

- 8.12. However, 750 dwellings is not a ceiling and the actual delivery of dwellings under this policy falls below 750 by some margin (as mentioned in the above referenced appeal). It is also noted that the revised NPPF (July 2018) recognises the important contribution that small and medium sized sites can make to housing requirements (para 68) and that LPAs should support the development of windfall sites giving great weight to the benefits of using suitable sites within existing settlements for homes. This is a material consideration.
- 8.13. Granting planning permission for these 46 homes would result in planning permission having been granted for more than 750 homes under Policy Villages 2. However, this would only be marginally so and to the extent that it would not undermine the Council's spatial strategy. Weighed in the balance must also be the very specific site circumstances in this case; most notably the location and context of the site and the scale of development relative to this location and context, and the overall strategy of the CLP 2031 to focus development at strategic sites in Banbury and Bicester and at non-strategic urban and rural sites in sustainable locations; a strategy with which Officers consider the application does not conflict.

Conclusion

- 8.14. In summary, the proposal is considered to comply with the Council's spatial strategy and with the principles of Policy Villages 1 and 2 by ensuring that development is focused in locations within or immediately adjoining Banbury and Bicester or the most sustainable villages, is of an appropriate scale, is supported by services and facilities, does not exacerbate travel patterns that are overly reliant on the private car and does not give rise to unacceptable adverse impacts (as demonstrated by the planning assessment set out below). There are no policies within the NPPF which would provide a clear reason for refusal.
- 8.15. The development would make a valuable contribution to housing delivery (including affordable housing) and is located immediately adjacent to the urban area of Banbury which is expanding to the east and west of the site. It is also surrounded by existing development on all sides. It is a highly accessible location and the proposal would amount to sustainable development for which Government policy sets a presumption in favour. In these very particular site circumstances the principle of development is supported.

Visual impact and effect on the character of the village and its setting

- 8.16. Policy ESD15 seeks to ensure that new development contributes positively to an area's character and identity and saved Policy C33 of the adopted 1996 Local Plan seeks to retain undeveloped gaps which are important in preserving a settlement's character. It is apparent from the pre-application advice given, the applicant's submissions and the representations received that there are differing opinions about the contribution the site makes to the village's identity and character and the impact development will have on this character.

- 8.17. The site is heavily influenced by built development. To its east lies Oxford Road which is largely residential but with some commercial development immediately opposite the site. To its south lies Park End Close, leading to Broad Gap and the bulk of the post-war expansion of Bodicote with the historic core of the village just to its south west. The northern end of the site faces green space between White Post Road and Bankside, which provides an element of visual separation between Banbury and Bodicote, and to its immediate west lies the primary school with the recreation ground further beyond.
- 8.18. It is notable that recent expansion of Banbury is an obvious feature of the site's context to the east (Longford Park) and that planning permission has been granted for further development along Salt Way to the site's west.
- 8.19. The site is bound by mature hedging along Oxford Road and is visible on the approach into/out of Banbury. The site is also prominent along White Post Road to its northern edge. The site is not a prominent open feature however from the historic village core and conservation area, or from Broad Gap or White Post Road to its west due to the presence of the school and mature planting within its grounds. The contribution the openness of the site makes to the village's character is therefore very localised to the Oxford Road approach and the flyover (where it is seen in a more 'urban' context of surrounding built development) and its northern boundary from White Post Road. Its contribution to openness from Oxford Road is however reduced by its mature boundaries; the mature trees within the site being the site's most defining characteristic.
- 8.20. Its contribution from White Post Road to the north is more significant. From here there are clear views across the site. Again however, these views are in context of the built development on Oxford Road beyond it and again the trees are the most significant feature. The northern part of the site is the most sensitive in landscape and visual terms and makes more of a contribution to the remaining visual separation between Banbury and Bodicote. There is intervisibility here with the school grounds, the wooded area opposite the site's entrance and around Bankside, and what will be open space within the Salt Way development to the west and open space/recreation areas within the Longford Park development to the east. In recognition of this, the proposals show the provision of a large area of open space at this end of the site consisting of species rich grassland with retained hedgerow and tree planting around the perimeter. This has been marginally extended since the original submission in reflection of its contribution towards maintaining a degree of visual separation.
- 8.21. As open space this would be offered for adoption by the Parish/District Council thereby retaining its openness in perpetuity. The protected trees which are a key feature of the site are to be retained.
- 8.22. Much of the village's rural character and setting comes from views out of the village into the surrounding countryside. This is possible at many points in the village such as down Malthouse Lane, across the recreation ground from White Post Road and from High Street across the Church and at its southern edge. The application site does not perform the same function. Once within the historic core of the village the site is not a discernible feature.
- 8.23. The application is accompanied by a Landscape and Visual Appraisal which concludes that "the overall character of the site is that of an incidental field in a suburban area, with large mature trees and enclosed by development on two sides and urban roads on three sides".

Conclusion

- 8.24. On balance, it is not considered that the proposed development would result in harm to the character, appearance, identity or setting of the village such that a refusal on these grounds would be reasonable, taking into consideration the benefits that would result from boosting the delivery of housing (including affordable housing) in sustainable locations.

Coalescence

- 8.25. Many comments raise concerns about coalescence with Banbury. The 1996 adopted Local Plan saved Policy C15 seeks to prevent coalescence by preventing development in areas of open land which are important in distinguishing settlements. The gap between villages and urban areas being presented as an example of where communities feel threatened. This policy dates from 1996 and although the policy is saved, the context has since changed, not least by the granting of planning permission for further residential development on the southern edge of Banbury at Longford Park and Salt Way which further blur the division between the settlements. The importance of the site in distinguishing Bodicote and Banbury, given the context set out elsewhere in this report, is therefore diminished in the view of officers.
- 8.26. A policy regarding coalescence specifically is not included in the CLP 2031. Policies ESD13 and ESD15 seek to consider applications according to the impact a development has on landscape setting, character, local distinctiveness and visual intrusion (inter alia) rather than coalescence per se.
- 8.27. Notwithstanding that it has diminished over recent years, a degree of separation between the two settlements will help maintain their separate identities. The part of the site which makes the most contribution to this is the northern part of the site which is to be retained as open space. Retaining this as open space, when viewed together with the wooded area between White Post Road and Bankside, the school grounds and the informal open space to be provided as part of the Salt Way proposals will together provide a degree of separation between Bodicote and Banbury to the extent that any conflict with Policy C15 will be very limited. Given the very particular site circumstances set out above, it is considered that there are material planning considerations that outweigh this very limited conflict.

Highways/Access

- 8.28. The application is accompanied by a Transport Statement. Vehicles are proposed to access the site via a single access from White Post Road just to the east of the existing access which will be closed. A ghost island right turn lane and pedestrian refuge is also proposed. Pedestrian access will be from two points; the access on White Post Road and two footpath links onto Oxford Road. A speed survey of White Post Road has been undertaken by the applicants and found average speeds to be below the 30mph speed limit.
- 8.29. The County Council as Highway Authority is content with the access proposals and visibility splays and recommends various conditions to ensure matters concerning parking and manoeuvrability are fully addressed at reserved matters stage. Work within the highway to provide the access and close the existing access will be secured via a S278 Agreement. Financial contributions are requested towards bus service improvements to be secured by a S106 Agreement.
- 8.30. Double yellow lines to the right hand side on exiting the site are proposed which will avoid parked cars making cars approaching from Oxford Road veer into the middle of the road when passing the entrance and will also keep vision splays clear. The works will be secured by a Traffic Regulation Order (TRO), the administrative costs

of which will be secured in the S106 agreement. This process is subject to consultation and is not guaranteed.

- 8.31. A courtesy crossing on Oxford Road could be provided with a pedestrian refuge opposite the most southerly pedestrian access. This would be secured via S278 Agreement.
- 8.32. The objections from third parties on highway grounds are noted but there are no technical reasons on which to resist the proposals. Permission should not be refused unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, neither of which have been shown to be the case.

Impact on Trees/Hedgerows

- 8.33. The land is predominantly enclosed by hedgerows and the field contains a number of mature trees, 9 of which are covered by a TPO (TPO 1/93 refers). In addition, there are a number of mature trees outside but affecting the site. The applicant's tree survey reveals 41 individual trees overall and 7 groups of trees or hedges. The hedgerows and mature trees within and around the site are a key characteristic feature that it is desirable to retain. It important to ensure the illustrative layout shows a quantum of development which could adequately accommodate these trees and avoid putting future pressure on their removal or significant pruning.
- 8.34. The original plans were unsuccessful in achieving this and proposed the removal of two of the protected trees. Amended plans have been submitted which have reduced the number of houses proposed and provided more space around the trees which will ensure their successful retention into the development and avoid later pressures for their removal and/or extensive pruning. All protected trees are now to be retained and each is located within an area of public open space which will accommodate future growth and ensure trees are adequately managed and maintained. It will also ensure that their contribution to visual amenity is secured. The hedges around the sites perimeter are to be retained.
- 8.35. The amended scheme is accompanied by a Landscape Strategy Plan and indicative species list. This shows the retention and enhancement where necessary of existing trees and hedges, new native tree planting with specimen trees to provide succession for existing trees, new ornamental tree planting, new native and ornamental hedging along with species rich grassland.
- 8.36. The Arboricultural Officer is content with the amended plan although he has some concerns about future management pressures for one of the trees which is close to proposed homes. This can be considered in more detail when applications for reserved matters are submitted.

Heritage Impact

- 8.37. The site does not lie within a Conservation Area. Bodicote Conservation Area lies to the south. The nearest listed buildings are Bodicote House and its lodge. Due to the distances involved, intervisibility and landscapes and buildings between the site and these listed buildings it is not considered that the development affects their setting. Neither is the development considered to affect the setting of the Conservation Area.
- 8.38. The Parish Council's reference to the Conservation Area Appraisal (CAA) is noted and it is correct that the CAA promotes the retention of "significant open spaces and field systems in and around the village". The contribution that the open fields around

Bodicote make to its character are noted, along with the need to ensure that Bodicote retains its identity as a village and does not merge completely with Banbury. In this case however, officers do not share the view that the application site makes such a significant contribution to this character and context for the reasons discussed in para 8.16 – 8.24 above. Coalescence is also discussed above.

- 8.39. In conclusion, it is not considered that the proposed development would affect any heritage assets or their setting.

Ecology and Biodiversity

- 8.40. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making.
- 8.41. Paragraph 170 of the NPPF (2018) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and by minimising impacts on, and providing net gains for, biodiversity. This requirement is echoed by policy ESD10 of the CLP 2031. The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature.
- 8.42. The application is accompanied by an Extended Phase 1 Report. The report finds that the habitats within the site are largely found to be heavily managed and species poor. The habitats with the highest value were found to be the boundary features which are proposed to be retained. The report finds that no further surveys or mitigation are required for amphibians or reptiles. A Bat Emergence Survey has been undertaken but recorded no bat roosting within the buildings to be demolished. Appropriate positioning of bat boxes would enhance the site's value for roosting bats. This and other enhancements (including for nesting birds) could be secured by conditions.
- 8.43. At the request of Officers, the applicants have undertaken an assessment of biodiversity impact. This finds that there would be a modest net gain in biodiversity achieved by provision of amenity grassland, species rich grassland, SuDs features and hedgerow restoration. Further net gains beyond this can be achieved by the provision of enhancements such as bird and bat boxes, hibernacula and improvement and enhancement of hedgerows and trees. It is recommended that the application(s) for approval of reserved matters should be accompanied by a method statement for enhancing biodiversity on site.

Drainage

- 8.44. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Management Strategy. The site lies within FZ1 where residential development is acceptable in principle subject to no increased flood risk elsewhere as a result of the proposals. The FRA finds a very low flood risk for this site.
- 8.45. OCC as Lead Local Flood Authority objected to the original plans as further infiltration testing was needed to verify its potential for the disposal of surface water.
- 8.46. The applicants have not been able to carry out this testing due to the current tenant's business but note that infiltration within the wider Bodicote area has been unviable. Alternative methods have therefore been considered, discounting

discharge to a watercourse as none is available. Discharge to the public sewer is available and there are a number of options for connection, subject to technical approval and landowner agreement. Thames Water have stated that there is sufficient capacity in the network to allow a connection in principle. Surface water will need to be attenuated on site and an attenuation basin is proposed within the open space to the north of the site. This demonstrates that the site can be drained, although a more detailed drainage strategy will need to be designed to accompany the reserved matters submissions. This can be secured by condition.

- 8.47. Foul water is proposed for disposal via the nearest sewer in Oxford Road. Thames Water has identified an inability of the existing infrastructure to accommodate the development and request a condition is imposed to agree a phasing and infrastructure strategy for foul water.

Illustrative layout and site capacity

- 8.48. The application is in outline only with layout a reserved matter. The application is however accompanied by an illustrative layout which seeks to demonstrate that the quantum of development can be accommodated on site.
- 8.49. The layout has been revised since the original submission as part of positive engagement with Officers. The amount of development has been reduced to maximise the extent of open space within the development and to readily accommodate and retain all mature trees within the site. In addition properties have been moved further off the common boundary with the adjacent school to provide some greater separation between the two and the green corridor has been widened along Oxford Road in response to comments from the Council's Ecologist.
- 8.50. Officers are now satisfied that the illustrative layout provides comfort that the site can readily accommodate 46 dwellings taking account of the site constraints.

Impact on residential amenity and noise

- 8.51. The closest residential properties to the site are those along Oxford Road and Park End Close. These are largely between 25m and 35m from the site's boundary and at such distances a layout could easily be achieved which protects the amenities of existing residents in terms of outlook and privacy.
- 8.52. The amenities of proposed residents could be affected by noise from the school and/or road. The application is accompanied by a Noise Impact Assessment to determine the impact from these sources. The school noise survey coincided with the school lunch hour to allow a 'worst-case' assessment.
- 8.53. The Assessment finds that with appropriate mitigation measures an adequate level of protection from road noise can be provided. This mitigation would include 2.5m high boundary treatments in certain parts of the site, alternative ventilation and higher specification glazing for certain facades.
- 8.54. Boundary treatments of 2.5m in the public domain would need to be given careful consideration. However, the areas concerned are very limited and the application is in outline only. Appropriate positioning of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage. The Noise Assessment provides reassurance that appropriate standards of amenity can be provided.
- 8.55. The impact of school noise is perhaps more difficult to assess given that it is intermittent and more variable, but impact during lunch times (worse-case) is

assessed as 'very substantial'. Increasing the height of fencing along the school boundary from 1.8m to 2.5m reduces the category to 'substantial'. It is noted that the school grounds are screened to a large extent by existing tree planting on the school side which offers an element of perceived separation between the two. Noise levels are also exceeded intermittently, such as during the lunch time and short breaks, and during the school day only. The nature of the noise (children playing) is a noise source which may be less disruptive than other, less-tolerated, sounds and dwellings being sited in close proximity to school grounds is not unusual. On this basis it is considered that, with mitigation, noise affecting the development should not give rise to significant adverse impacts on health and the quality of life for future residents.

Impact on local infrastructure

8.56. Should the application be approved, local infrastructure which will need to be provided in order to mitigate the impact of the development and make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. The following obligations are all considered to meet the statutory tests in this case;

- Affordable Housing - 35% affordable housing provision. 70/30 rented/shared ownership. Clusters fewer than 10 units. 50% to meet the Building Regulations Requirement M4 (2) Category 2: Accessible and Adaptable Dwellings requirement. 100% of the affordable rented units are to be built to the government's Nationally Described Space Standard.
- Provision of LAP and commuted sum for maintenance of £27,501.52
- Commuted sum for maintenance of balancing pond of £11.63 per sqm
- Commuted sum for maintenance of informal open space of £9.32 per sqm
- Commuted sum for tree and hedge maintenance of £334.82 per tree and £14.35 per sqm of hedge
- Contribution towards primary medical care within the Banbury area of £360 per person
- Contribution towards bin and collection vehicle provision and recycling banks of £106 and £5 per dwelling respectively
- Financial contribution towards primary school provision south of Salt Way (amount TBC)
- Contribution towards increasing the frequency of bus services to Banbury of £1000 per dwelling
- Contribution towards off-site outdoor sports facilities of £2017.03 per dwelling
- Contribution towards off-site indoor sports facilities of £335.32 per person
- Contributions towards community hall facilities of £298.88 per 1 sqm

- Payment of £2700 to cover OCC admin costs to issue a TRO to secure double yellow lines to the east of the site access
- Requirement to enter into a S278 Agreement with the County Council to deliver the proposed access and ghost right turn lane with pedestrian refuge; pedestrian access onto Oxford Road; closure of the existing access onto White Post Road; double yellow lines to the east of the new access; courtesy pedestrian crossing on Oxford Road.

Other matters

- 8.57. The application is accompanied by a Ground Conditions Desk Study. Environmental risks to the proposed development are considered to be low but an intrusive phase 2 ground investigation is recommended to allow any risks to be quantified. The Council's Environmental Protection Officer concurs with this and it can be secured by condition.
- 8.58. The application is accompanied by a Utility Statement. This shows that there is existing electricity, gas, Openreach and Virgin Media infrastructure available subject to agreement with relevant operators.
- 8.59. Thames Water has identified an inability of the existing water supply network infrastructure to accommodate the supply needs of this development proposal and a condition is recommended to agree a water strategy.
- 8.60. Recent appeal decision at Launton – Outline planning permission has recently been granted on appeal for a development of up to 72 homes in Launton; a Category A Village⁵. In that case the Inspector found that the 750 dwellings identified in Policy Villages 2 was not a 'ceiling' and that conflict would only arise if there was a material increase over and above the 750 dwellings. He also found that the 750 figure referred to dwellings delivered and whilst the level of planning permissions and resolutions to approve is approaching 750 the number of units built is still substantially below that figure. He concluded that the proposals would not breach Policy Villages 1 or 2 or the overall plan strategy.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay.
- 9.2. The site is unallocated in the adopted CLP 2031. Bodicote is designated a Category A Village under Policy Villages 1 of the CLP 2031 and as such suitable for minor development within its built up limits. Policy Villages 2 supports development of sites for more than 10 homes in the Category A villages in certain circumstances. 750 homes are to be delivered across these villages. When considering sites under this Policy a number of considerations apply concerning the site's environmental value and impact and deliverability. It is considered that the site would comply with these criteria.
- 9.3. It is acknowledged that Bodicote is already delivering new housing and that the 750 distribution of homes across the Category A villages during the plan period is already met in terms of permissions granted/resolved. The Council's housing land

⁵ APP/C3105/W/17/3188671

supply position is also noted. However, 750 dwellings is not a ceiling and the actual delivery of dwellings under this policy falls below 750.

- 9.4. Leading weight to the acceptability of the proposals in this case is their scale, which is such that it will provide valuable housing without being out of scale with the size of the village, and the location of the site relative to the village itself and neighbouring Banbury. The site is well-contained by existing built development and in a very accessible location adjacent to Banbury and with services and facilities available including good bus links to both Banbury and Oxford.
- 9.5. The proposals would ensure that development is focused within the most sustainable locations, is of an appropriate scale, is supported by services and facilities and does not exacerbate travel patterns that are overly reliant on the private car. The development would make a valuable contribution to housing delivery (including affordable housing) and is not considered to conflict with the Council's spatial strategy or the principles of Policy Villages 1 and 2. There would also be some economic benefit in the support of construction jobs and spending in the area that future residents would bring about. The provision of areas of public open space for the whole community would also be a benefit, as would any resultant ecological enhancements.
- 9.6. Further weight is given to the lack of site constraints and as the above planning assessment demonstrates, the proposed development does not give rise to unacceptable adverse impacts. In addition, there are no policies within the NPPF which would provide a clear reason for refusal. The illustrative plans include the retention of key site features as well as retention of a not insubstantial area of open space within the northern part of the site to help preserve a sense of separation between the village and Banbury.
- 9.7. In this case, given the site circumstances and policy context set out in the report, the proposal would amount to sustainable development for which Government policy sets a presumption in favour and is recommended for approval.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant Planning permission subject to;

1. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.57 and;
2. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

Draft summary of conditions, detailed conditions will follow in written updates

1. Submission of Reserved Matters
2. Time Limit for submission of Reserved Matters (3 years)
3. Commencement of Development (2 years from Reserved Matters approval)
4. Compliance with Approved Plans (access plans and parameter plan principles)
5. Noise Assessment and Mitigation Measures to accompany reserved matters application(s)
6. Biodiversity enhancements to accompany reserved matters application(s)

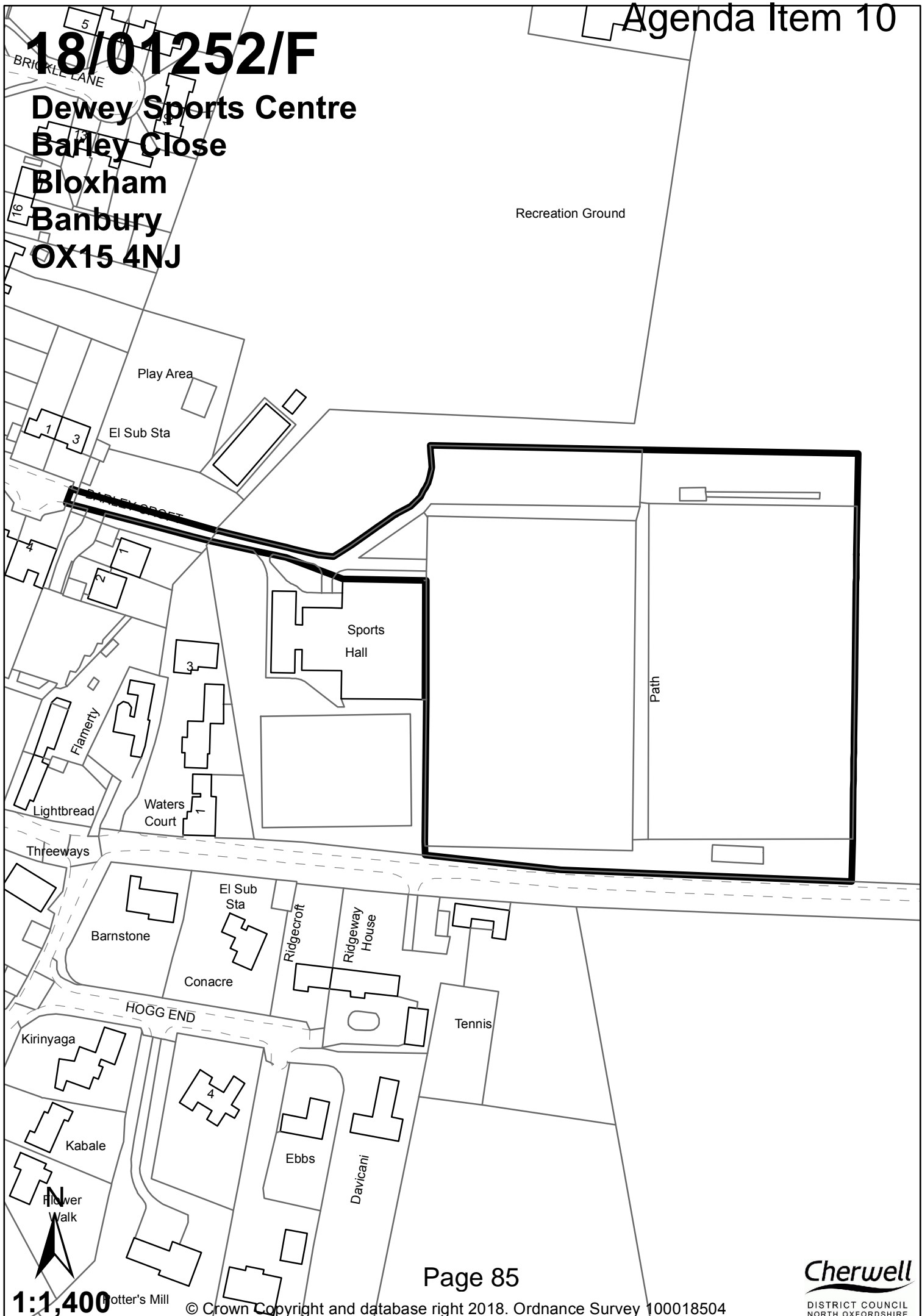
7. Reserved matters compliance with Parameter Plan, Landscape Strategy and Indicative Species List
8. Ecological Mitigation
9. Arboricultural Method Statement
10. Construction Environment Management Plan
11. Land contamination investigations and remediation (intrusive investigations to establish any contamination present)
12. Land contamination investigations and remediation (remediation scheme if condition 11 finds contamination)
13. Access construction details
14. Surface water drainage scheme details
15. Archaeological Written Scheme of Investigation
16. Archaeological evaluation
17. Demolition of existing buildings prior to commencement
18. Any remediation prior to occupation
19. Landscape and Ecological Management Plan
20. Travel Plan Statement and Travel Information Pack
21. All wastewater network upgrades prior to occupation
22. Surface water network upgrades prior to occupation
23. All water supply network upgrades prior to occupation
24. Electric charging ducting for each dwelling
25. Broadband ducting for each dwelling
26. Unsuspected contamination
27. Close existing access
28. Specification details of the internal carriageways and footways
29. Specification details of the vehicular parking and manoeuvring areas
30. Cycling storage provision
31. External Lighting details
32. Tree and Hedgerow retention
33. Avoid bird nesting season
34. Implementation of landscaping

CASE OFFICER: Clare O'Hanlon

TEL: 01295 221900

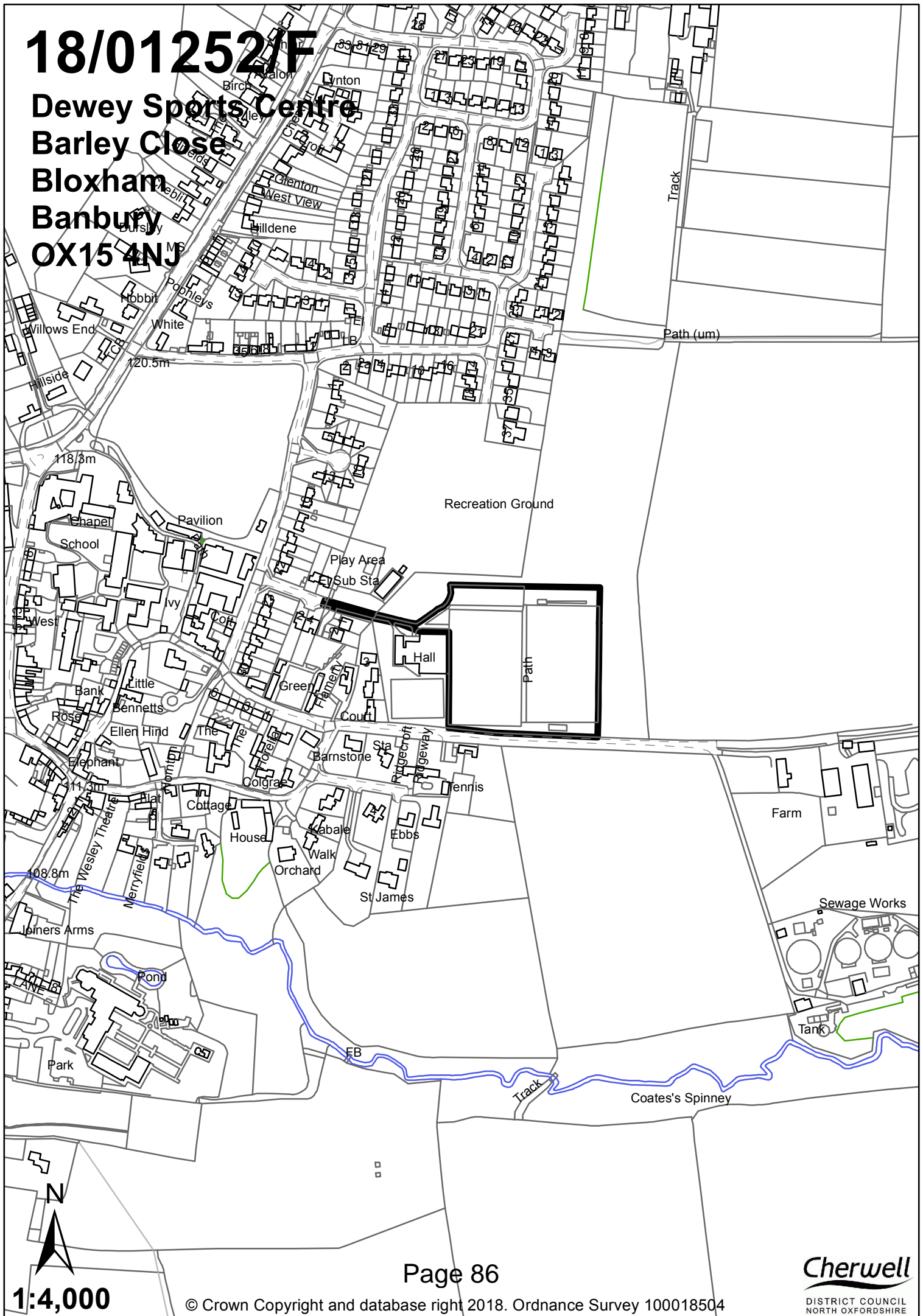
18/01252/F

**Dewey Sports Centre
Barley Close
Bloxham
Banbury
OX15 4NJ**



18/01252/F

Dewey Sports Centre
Barley Close
Bloxham
Banbury
OX15 4NJ



**Dewey Sports Centre
Barley Close
Bloxham
Banbury
OX15 4NJ**

18/01252/F

Applicant: Bloxham School

Proposal: Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew Mchugh

Reason for Referral: Major Application

Expiry Date: 1 November 2018 **Committee Date:** 25 October 2018

Recommendation: Refuse

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping.

Consultations

The following consultees have raised **objections**

- Bloxham Parish Council

The following consultees have raised **no objections:**

- OCC Highways; CDC Ecology; CDC Environmental Protection; CDC Landscape, CDC Leisure and Sport; Sport England

61 residents have commented on the application, **59 of which were objecting** to the application.

Planning Policy

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application are:

- Principle of development including loss of part of the playing field
- Design, and impact on the character of the area including the setting of the Conservation Area
- Landscape impacts
- Residential amenity
- Highways safety
- Protected species

The report looks into the key planning issues in detail, and officers conclude that the proposals are acceptable, subject to conditions. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION – REFUSE PERMISSION

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

Main Report

1. APPLICATION SITE AND LOCALITY

1.1. The application site comprises a pair of sport pitches with multi-use surfaces, currently used as a hockey pitch and tennis courts that are in the ownership Bloxham School. The pitches and an area of surrounding land which are the subject of this application are situated on the edge of the built up limits of Bloxham and just outside the Bloxham Conservation Area. The northern edge of the sport pitches borders the school playing fields, The Ridgeway, a track largely gravelled, runs parallel with the southern boundary. There are residential properties surrounding the wider sports complex.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The proposal involves the installation of 12 floodlights each 12.5m in height on Bloxham School's two artificial pitches. These are required to provide sufficient illumination, when required, for ball games such as tennis and hockey until 9pm on weekdays and 6pm on Saturdays. The floodlights would provide approximately 300-400 lumens at ground level. The proposed floodlights have asymmetric lighting profiles and would be used to direct the light to only the pitches and away from areas outside of the pitch. Whilst this would allow for pupils at the school to play for longer during winter months, the applicant has produced an indicative timetable committing to a total of 21 hours of non-school use a week over a 15 year period, allowing access to the facility to local residents.

2.2. In addition to the floodlights, it is proposed to provide further car parking, with the loss of part of the adjacent playing fields. This is sought in order to relieve the pressure on the local road network by discouraging sport centre patrons from parking on the surrounding street. The expanded area of car parking would be 15m by 65m, resulting in 30-40 additional parking spaces. The extension of the car park would lead to the loss of the long jump track in its present location, the sports field layout would be altered to allow for its repositioning.

2.3. The proposal also includes the landscaping of the area around the extended car park, with the addition of planting along the northern boundary.

2.4. The applicant undertook a public exhibition to explain the proposal to the local community on 13 February 2018. They also sought public feedback via a questionnaire.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
93/00530/N	Installation of 14 metre high floodlighting to existing all-weather hockey pitch	Application Refused
94/00617/N	Installation of 14 metre high floodlighting to existing all-weather hockey pitch	Application Refused
06/00334/F	Provision of floodlights to the playing surface	Application Refused
07/02628/F	21 No. Lowland Luminaires to car park perimeter.	Application Permitted

3.2. The school has attempted to gain planning permission for floodlighting at the all-weather pitches on three previous occasions over the last 25 years. The initial 1993 and 1994 applications, which would have seen 8 x 14m high floodlight masts on the pitch nearest to the indoor centre, refused on the basis that the light levels would be detrimental to the nearby residents. They were also refused on the increased levels of noise and the impact on the adjacent Area of High Landscape Value.

3.3. A 2006 application, for 8 x 15m floodlight masts serving just the further pitch from the main gymnasium building, was also refused – and the decision upheld at appeal. The Inspector concluded that the floodlights would have *‘a visually intrusive impact, harmful to the intrinsic character of the surrounding area, including the unlit countryside’ and that when not illuminated.....would appear as a tall incongruous feature beyond existing built development..... detracting from the setting of the village as a whole’*. The Inspector concluded that the setting of the conservation area would not be affected as the lights would be separated from that by other development. With regards resident amenity and traffic issues, the Inspector did not have concerns in this regard. A copy of the appeal decision is attached at the end of this report

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
18/00096/PREAPP	Erection of 12 floodlights and extension of car park

4.2. The pre-application report concluded that the submission did not contain sufficient information for officers to be in a position to support an application, but that it was nonetheless acknowledged that it may be possible for the applicant to overcome the officer’s reservations through the submission of additional information.

4.3. Additional commentary was sought on the impact on the landscape and the Bloxham Conservation Area, noise reducing baffling, traffic issues and community usage of the site – including timetabled slots. There were also ongoing questions about the impact on protected wildlife, with further investigations required complimented by appropriate mitigation.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 06.09.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 61 residents have commented on the application (some more than once) **59 of which were objections**. In addition the applicant provided 8 letters of support in favour of the application, which they had received at the beginning of 2018, ahead of the public consultation and included in the submission of the application (as they do not relate to the proposed development they have not been included below).
- 5.3. The comments raised by third parties are summarised as follows;
- Light pollution on the edge of the village affecting the night sky
 - Cause extra noise and light pollution compared to the current low levels
 - Cause additional traffic congestion, which is already high
 - Impact upon the nearby conservation area
 - Not in-keeping with the rural nature of the location
 - The height of the columns will mean that floodlights will be seen for a significant distance beyond the immediate surroundings and will affect views on public rights of way.
 - Having seen similar installations in several other areas, we know that they create a huge block of artificial light affecting the open countryside landscape
 - There is no proven need for additional floodlit facilities, given that similar facilities already exist within a reasonable distance in Banbury.
 - Increased noise from the participants of the summer schools held at Bloxham School
 - Further urbanisation of Bloxham
 - The lighting will adversely affect nocturnal wildlife in the area including bats, which are protected species
 - We chose to live here because it is close to nice countryside and walks and is dark and quiet after sunset
 - Due to the height of the columns the floodlights will be seen from a great distance and will affect views on public rights of way and many other local walks
 - This application shows total disregard for the previous strong messages from both residents and planners that a development like this is not appropriate in this location, not needed and definitely not wanted.
 - Already approved smaller scale floodlighting at The Warriner is of a scale and location that does not cause adverse harm and is ideally suited to the community needs of the village

- The School was asked at the consultation that if they had already recognised there was an issue with noise, could they not sort out this material fitting straight away. Having identified an issue it would seem reasonable that this be done as it would be a very small cost item. Unfortunately the School has decided not to do this, and seem to only be offering to do this in exchange for planning for floodlighting being granted.
- The lighting gantries will be visible over a great distance and will impact on public rights of way including the Bloxham Circular Walks and on the nearby conservation area
- The proposed floodlights are LED white light at 5000K which is the equivalent of bright daylight and will illuminate a very large area including hedgerows, intruding into open countryside with a rich wildlife population including protected species
- A key argument of the applicant is the 'unprecedented' improvement in lighting technology, however light spillage, glow and glare were not reasons for refusal last time. Having looked at the Abacus lighting proposal from 2006, which also claimed zero upward projection into the atmosphere, there is really no ground breaking significant difference
- If it will have some effect on the character of the site itself, it will certainly have an effect on the character of all surrounding areas where views, even if partial, are visible. The Bloxham Neighbourhood Plan states; 'Development outside the conservation area should protect, enhance and contribute to the rural character of the village as a whole'. This proposal does not meet that objective
- AECOM have used the existing lighting in the Dewey car park and on the buildings of the Dewey Centre itself as its baseline for measuring the incremental impact of the floodlight installations. However, both of these are in breach of current planning regulations, the previously compliant low level soft car parking luminaires having been replaced by Bloxham School last year (2017) with mid height, high powered floodlighting directed across the AstroTurf pitches
- The current and proposed timetables submitted by Bloxham School, I note completely omit the 7am sessions, but do mention a timetable of use increasing over time. Bearing in mind that users generally arrive early and it takes around 30 minutes for the venue to be vacated, this leaves local residents with approximately 1 hour a day of respite in waking hours during the week
- This application will have an enormously detrimental effect on the quality of our home life, offering very little respite from either noise or direct intrusive light, although bafflingly the documentation deems the floodlighting impact to be 'medium'.
- Mention is made of the Bloxham Circular Walk referring to the field opposite the pitches. Consideration should also be given to users of this route and how they will be affected by the sight of these floodlights. In addition the Circular Walk runs down The Ridgeway track where significant light spill is forecast from the application documents
- Due to the height of the masts other public footpaths will also have views of the floodlights especially when lit, for example south of the site and much

further afield. For example The Dewey building is clearly visible from the windmill at the far end of Bloxham Grove Road, approximately two miles away where many public footpaths converge

- The Oxfordshire Badger Group has carried out a site visit and met local residents to assess how the lighting and increased noise and disturbance will impact on the badgers in the area.

We would like to raise our concerns regarding the impact on badgers of this scheme which we believe has been underestimated by CSA Environmental in their ecological appraisal on behalf of Fisher German LLP, in relation to Bloxham School. The appraisal recognises that 'the introduction of lighting may result in disturbance to badgers in the area' but fails to mention the badgers or any mitigation for potential loss of foraging and wildlife corridor through increased disturbance, in its conclusion.

The report states that there is evidence of badger activity only on the eastern side of the playing fields whereas we have had reports that badger activity also takes place along the southern and western borders. The badgers do have access to open countryside but the impact of the lighting and increased noise and activity should be given more consideration.

- I am not opposed to the flood lights, so long as the 'residual light' is kept to a minimum. I believe there is a benefit for the students and wider community to be had
- Needed resource for the school and wider community
- Lack of leisure facilities in the area – especially after dark. This would help this situation

5.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BLOXHAM PARISH COUNCIL: **Objects** to the application and make the following points, which were raised at their meeting:

- *There was concern about lighting and light pollution in this location affecting the rural nature of the village and the rural character of this edge of village site (Policies ESD 13 and ESD15 CLP, BL11 and BL12 BNDP) and the impact of lights being used up to 9pm on weekday evenings and 6pm at weekends on the amenity of residents (Saved Policy C31, BL9 BNDP).*
- *The importance of the lighting to Bloxham School and to the health, wellbeing and educational attainment of its pupils was recognised (Policy BSC10) as well as the wider community benefits of facilities for sport and recreation. The commitment to a minimum of 21 hours of community use was welcomed.*

- *The planning committee noted and shared residents concerns about any increase in traffic on the narrow roads around the site as a result of increased public use of the floodlit pitches.*
- *It was felt that there were unresolved issues around the impact of the proposal on wildlife in the areas adjacent to the site and it was noted that the committee had not seen information about the final bat report and additional comments by the Ecology Officer at the time of meeting.*
- *It was agreed that if CDC were minded to approve the application, the following would be requested:*
 - *A s106 agreement providing for a minimum of 21 hours community use and in addition, a commitment that the current daytime hours for the use of local schools would be preserved*

Reason: to maintain as a minimum the current programme of sports use by local schools.
 - *We understand from Bloxham School that there could be some flexibility on the curfew of 9pm and would like to see this explored with the possibility of a 7pm weekday curfew being agreed.*

Reason: to limit the adverse impact of light and noise pollution on neighbouring residents and to limit the increase in vehicle traffic on the narrow approach roads to the site.
 - *The possibility of height adjustable floodlights to be investigated such that the masts could be lowered when not in use*

Reason: To mitigate the intrusive nature of the masts on the landscape.
 - *Mature trees and other planting included as part of any agreed landscape design to be planted prior to any use of the facility.*

Reason: to mitigate the impact of the floodlights on neighbouring residents.
 - *Any noise reduction measures available should be deployed; we note that baffle boards behind the goals have been suggested and would want other similar measures explored.*

Reason: to minimise the impact of the noise from the site when in use.
 - *Any measures to mitigate the impact of the floodlights on bats and badgers in particular should be in place before the lights become operational including any proposals made by the Ecology Officer*

Reason: to avoid harmful impact on the existing wildlife and enable the existing bats to establish alternative feeding grounds.

In addition to the above comments further updates were received on the 15th October following the Parish Councils October meeting, when they discussed the applicant's comments on their previous suggestions.

Having regard to maintaining the rural character of the village and to resisting urbanisation at this edge of village location, Bloxham Parish Council reiterates its objection to this application as being contrary to the following planning policies.

Below are Bloxham Parish Council's response to the Fisher German comments submitted on Bloxham Schools behalf, regarding conditions requested by Bloxham Parish Council in their original response to this application.

These conditions were requested by the Parish Council, in the event of Cherwell District Council approving this application.

Point 1. We welcome the continued commitment shown in the timetable in the Planning Statement accompanying the application that includes provision of daytime slots for local schools.

Point 2. The acknowledgement that Bloxham School could work to a 7.00pm curfew, this would provide a benefit to adjacent residents.

Bloxham Parish Council would seek that this 7.00pm curfew is applied Monday to Friday and is adjusted to 4.00pm at weekends.

It is not appropriate to compare the Warriner MUGA and its lighting curfew of 9pm and the Dewey Sports Centre as the two locations are not directly comparable nor is the effect of the proposed lighting on local residents directly comparable.

Point 3. Retractable lights are available which would not pose a trip hazard as they do not fold onto the ground when not in use. Such lights could be retracted when not in use thereby minimising the impact of the masts on the landscape. (see Sports Lighting UK).

The mast's can be painted in suitable a RAL colour to blend with the surroundings.

Point 4. We welcome the commitment to provide Native mature trees (grown in the UK) as approved by the Landscape officer.

Point 5. We welcome the commitment to provide noise reduction methods and that these have already been ordered by the school.

Point 6. Any mitigation work to protect wildlife and biodiversity should include work on the Ridgeway at the application site. The additional benefit of creation of a pond and wildflower meadow on the site at Courington lane will help mitigate harm.

Point 7. The Dewey Sports centre is not the best location for meeting the needs of Oxford and South Northants. The access is through narrow streets and through a residential area.

STATUTORY CONSULTEES

Summary of comments made by the consultees below – full comments are available on the Cherwell Website

- 6.3. SPORT ENGLAND: **No objections.** The main issue for Sport England to assess was the loss of part of the playing fields. But as the facilities would be replaced elsewhere on the wider site and the car parking would be in support of additional sports use of the site being therefore ancillary to it, it was adjudged to comply with their policies.

- 6.4. OCC HIGHWAYS: **No objections**. The Highways Officer states that ‘*The car park can accommodate 40 – 50 cars at present, while the extension would hold an additional 30 – 40. This significant increase in capacity should be sufficient to cater for the needs of all the sports facilities, and will help to relieve weekday parking on the highway if staff and students can be encouraged to use it rather than the local roads*’. They concluded their comments by requiring that additional lighting for the car park users and provision of a walkway to separate pedestrians was required. This can be secured by condition.

NON-STATUTORY CONSULTEES

Summary of comments made by the consultees below – full comments are available on the Cherwell Website

- 6.5. CDC ENVIRONMENTAL PROTECTION: **No objections**, commenting as follows:

This department has the following response to this application as presented:

Light: *Due to the village location, where background light will be relatively low and the close proximity to residential dwellings. The floodlights should be used only in connection with the sporting activity taking place at the grounds and not at any other time for any other purpose. The lights should also be turned off when that activity has ended and not left on while no activity is taking place.*

The following additional comments were made following the Case Officer’s request that the impact of the light from the floodlights and noise level be reappraised in light of local opposition:

According to the report the light spill experienced by residents will be significantly lower than the guideline 5 lux for a rural environment; the operating hours are 1800-2100, which is two hours before the recommended curfew. So the only other thing I could put on there was to ensure they turn the floodlights off when the pitches are not in use.

Regarding the noise, I can’t see there being an issue based on the proposed operating hours. I don’t think they can do much more than what they have proposed (i.e. the baffling on the fencing).

An additional request was made for clarification on the lighting report following a question about the assumptions made about the environmental classification of the area around the site.

Environmental Protection recommended that this is looked at by a specialist lighting consultant.

- 6.6. CDC LANDSCAPE SERVICES: **No objections**, with the following comments:

Further to consideration of the above planning application. A comprehensive LVIA where there is general agreement with most of the judgments and conclusions.

The assessment of the flood lighting impact and effect appears to appropriate. I agree with following the statement:

The above assessment is based upon an appraisal of winter views. The AECOM Lighting Assessment notes that in summer when the trees in leaf, any winter filtered views would be reduced by between 50% and 80%, while in winter these filtered views would reduce baseline effects by between 10% and 30%.

As suggested by these figures, where views of the lighting columns are filtered in the winter, during the day light hours, these would be largely screened. As in the winter months, the columns would not be prominent in views from public vantage points. When in use in the summer months when vegetation is in leaf, visibility of the lighting will be reduced where vegetation is present.

Therefore landscape proposal are required indicating the planting of a native thicket with native trees on the northern boundary eastern pitch. It is also important to retain structural planting on the northern boundary, western pitch, and the trees lining the southern boundary to The Ridgeway (information to be included on the landscape proposals). Compliance with the attached planting notes would be appreciated. A chartered landscape consultant should be employed to draw up the landscape proposals.

Additional comments were then received after the Case Officer brought up the previous refusal of the 2006 scheme which was resisted on landscape grounds:

Further to our discussion I thought it appropriate to ensure the existing screen trees and hedges on the southern and northern boundaries are retained and maintained under a management plan (to be given planning consent), along with the management of additional screen planting on the northern boundary. Thus ensuring maximum achievable tree cover to reduce the impact of light pollution.

The existing trees and hedges should be subject to arboricultural inspections to ascertain the health and potential risk to site users and members of the public (and users of The Ridgeway)

The additional planting on the northern boundary to include native evergreen and deciduous tree spaces at planting densities that allows for the full height and spread of canopies of each tree to be achieved without being overly competitive for individual trees, for light nutrients and water, which would result in slower growth rates than normal. The landscape consultant should therefore indicate the growth rates of the screen planting at yearly stages of 0, 15 and 25 year. Evergreen trees will provide year-round reduction of light pollution.

The management plan should take account of the current landscape institute and Arboricultural Association guidance, along with current industry (BS) standards and work practices.

- 6.7. CDC LEISURE AND SPORTS DEPARTMENT: **Support** the application given the increased capacity and the community use secured by a unilateral undertaking.
- 6.8. CDC ECOLOGY: After initial concerns the Ecologist offered no objections with suitable conditions to secure the mitigation of impacts on the bat population. A final bat mitigation plan was submitted by the applicant during the application process and was accepted as part of the overall submission. The Ecology Officer made the following comments in response to this document.

I do not object to the idea of compensatory habitat. Although we cannot be sure where bats are commuting to and from in order to forage, a stronger corridor going up towards the District Wildlife Site at the Warriner for example might be beneficial to the bat community which is actually to be disturbed and could prevent a net loss to bats overall by providing alternative commuting routes in the immediate area. In short in order to achieve an overall net gain for bats from the proposals they need to achieve a little more in addition to the proposed compensatory habitat and justify

why additional planting and measures cannot be carried out in the affected field also.

Concerns have been raised by a county group about the impacts on badgers by the proposals; the Ecologist has made the following comments:

I would agree with the assessment overall that they are not of particular concern here and that no unlawful activity would occur as regards badgers by the lighting of the pitches.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 - Presumption in Favour of Sustainable Development
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- BSC7 - Meeting Educational Needs
- BSC10 - Open Space, Outdoor Sport and Recreation Provision
- Policy Villages 4 - Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C31 - Compatibility of proposals in residential areas
- ENV1 - Development likely to cause detrimental levels of pollution

BLOXHAM NEIGHBOURHOOD DEVELOPMENT PLAN (2015-2031)

- Policy BL9 - Policy on regard for the amenity of existing residents
- Policy BL11 - Policy on contributing to the rural character of the village
- Policy BL12 - Policy on the importance of space and key street scenes

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development including loss of part of the playing field

- Design, and impact on the character of the immediate area including the setting of the Conservation Area
- Landscape impacts
- Residential amenity
- Highways safety
- Protected species
- Other matters

Principle of development including loss of part of the playing field

- 8.2. The principle of Policy BSC 10 of the adopted Local Plan states '*The Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision*'. It goes on to say that '*In determining the nature of new or improved provision the Council will be guided by the evidence base and consult with town and parish councils, together with potential users of the green space wherever possible, to ensure that provision meets local needs*'.
- 8.3. Under the sub-heading *Supporting a rural economy*, paragraph 83 of The NPPF states that *Planning policies and decisions should enable... the retention and development of accessible local services and community facilities, such as local shops, meeting places, **sports venues**, open space, cultural buildings, public houses and places of worship*. There are further references to the promotion
- 8.4. The proposed development would lead to the loss of 975sqm of the playing field to accommodate the new parking area plus additional area for the surrounding soft landscaping, in order to provide more parking spaces and the associated landscaping involved with this.
- 8.5. Sport England is a statutory consultee for applications where land has been used as a playing field at any time in the last 5 years and remains undeveloped. Sport England opposes development on playing fields in all but exceptional circumstances. Exception two of Sport England's provisions states the following;
- The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
- 8.6. The applicant argues that the creation of further parking spaces is required as the current parking area is inadequate. A local resident has suggested that there is insufficient space to accommodate the existing sporting activity on the playing fields (rugby, track and field etc). The School has stated that this is not the case and that there would be sufficient space for two rugby pitches of comparable sized as those currently on the sports field. Neither of the pitches is full sized and are used as training pitches. Whilst the loss of any recreation space runs against the thrust of BSC10, in the absence of an objection from Sport England, Officers are satisfied that the benefits of extending the car park outweigh any identified harm.
- 8.7. The proposed flood lights would lead to an increase in capacity sports facilities, which the applicant states would be of benefit to their own pupils and the ability to timetable effectively for them all year round. The indicative timetable also shows time for other local schools to use the facilities during the daytimes – which is included within the overall 21 hours of timetabled community usage, to be secured by undertaking legal agreement.
- 8.8. Notwithstanding the needs of the School's students, some residents have questioned the wider local need. Bloxham Parish Council, although opposing the

proposal, also suggested a compromise curfew time of 7pm should the proposal be approved. The School countered this by confirming that they would be unable to deliver on the 21 hours set aside for community usage if they were required to switch the flood lights off at this time. The Council's Open Space, Sport and Recreation Assessment and Strategies, which is currently at final draft stages and expected to be adopted later in 2018, states that the future case for the Banbury Rural region should include further community provision at Bloxham School and would welcome floodlights in conjunction linked to community use. It should be noted that in the event that there are times when the sports pitches are not in use, the School will be required to switch the floodlights off.

8.9. As the applicant points out, Officers have to be mindful of changing attitudes and have to take into account recent similar schemes within the District. Since the 2006 appeal there have been six separate approved schemes (two at Tudor Hall School) to illuminate sports pitches in the surrounding area (set out below).

- Approved in 2010 (10/00769/F) and 2017 (17/01734/F) - Tudor Hall School (1.8km) – 2010 approval -15m x 6 No. masts with a total of 20 lamps - an average of 300Lux - Curfew of 20:00 weekdays, 18:00 Saturdays; 2017 approval - 10m x 8 No. masts with a total of 24 lamps - average of 400Lux - Curfew of 20:00 weekdays, 18:00 Saturdays
- Approved in 2014 (14/00695/F) - North Oxfordshire Academy (7km) – 15m x 8 No masts with a total of 32 lights - an average of 272Lux - Curfew of 22:15 weekdays;
- Approved in 2015 and again in 2018 (18/01243/OCC & R3 0037/18) - The Warriner School (700m) – 8m x 6 No. masts with a total of 12 lamps and average of 220Lux - Curfew of 21:00 weekdays;
- Approved in 2018 (18/01082/F) – Banbury Rugby Club (4km) – 15m x 6 No. masts with a total of 18 lamps and an average of 200Lux - Curfew of 21:00 Monday-Saturday.
- Approved in 2014 (14/01911/F) – Easington Sports Club (3.5km) – 15.2m x 6 No masts with a total of 16 lamps and an average of 180Lux – 22:00 Sunday to Friday and 18:00 Saturdays.
- For reference the Bloxham School proposal is for – 12.5m x 12 No. masts with a total of 56 lamps and an average of 300Lux - Curfew of 21:00 weekdays and 18:00 Saturday and Sunday.

The figure of 300Lux is towards the higher end of the figures shown in the above examples. This is due to the requirements of hockey as a small ball game, larger ball games, such as football require a lower average Lux figure around 200Lux. To put this into some kind of context a bright summer's day would have 50,000Lux and office lighting is around 500Lux.

8.10. As has been noted by some of the objectors and indeed the Inspector in 2006, each case has to be assessed on its own merits. The Inspector differentiated between Bloxham School and a site in Hook Norton. However, there are nonetheless some parallels between these sites and the application site in respect of the specification and in that, other than Tudor Hall which is in an isolated location, the other sites are on the edge of settlements. Although mindful of the differences, Officers nonetheless attribute some weight to the broad precedent these approvals set when assessing this current application.

8.11. Although the policy background has changed significantly in the past 12 years with the adoption of a new local plan and the NPPF and the PPG replacing previous Government guidance (PPGs and PPSs), the thrust remains little changed, i.e.

promote recreation, but protect the environment. Therefore the obvious benefits of increasing the use of sporting facilities have to be balanced against any potential adverse implications for the local residents and environment. Also the precedent of a number of parallel sites in the intervening years since the appeal adds weight. The rest of this report will examine potential areas of harm before balancing them against the positive effects of the scheme.

Design, and impact on the character of the immediate area including the setting of the Conservation Area

- 8.12. Paragraph 124 of the NPPF states that: *'Good design is a key aspect of sustainable development'* and that it *'creates better places in which to live and work'*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.13. Policy ESD15 of the CLP 2031 Part 1 also states that development should *'Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...and within conservation areas and their setting'*. Policy BL11 of the Bloxham Neighbourhood Plan states that development should *'be in keeping with local distinctiveness and characteristics of the historic form of the village'*. Policy C28 of the saved 1996 Local Plan states *'in sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard'*.
- 8.14. The proposed floodlight masts are approximately 90m from the Bloxham Conservation Area. The floodlights would be visible from some vantages within the Conservation Area and indeed the surrounding built-up area of Bloxham even when not in use. The Inspector for the 2006 application concluded that the 8 masts proposed in 2006 would detract from the setting of the village as a whole rather than the setting, character, or appearance of the Conservation Area, given that the lights and the conservation area were separated by other development.
- 8.15. Although the current application proposes an additional 4 masts they would be 2.5m lower and would be better screened by the proposed mature tree planting. There would be a perceived 'glow' on some evenings from the direction of the sports pitches which would have an impact on the Conservation Area, especially given that there is no street lighting in the area. Although the impact on the surrounding area would be lessened through improvements to the lighting and the lower slim line poles, the proposal would nonetheless cause some harm to the visual amenities of the area.
- 8.16. The extended parking area would be a continuation of the existing car parking area and will be largely screened from view by the associated landscaping. It is placed centrally on the wider site and will have little or no impact on the character of the area or the setting of the area.
- 8.17. It is not considered that the proposals would be out of keeping with the historic form of the village as the site is not bounded to the conservation area where the effective boundary of the historic core is to be found.
- 8.18. Therefore the impact upon the conservation area is not considered harmful, given the site is separated from it by existing developments. The proposals are therefore considered to accord with policies outlined in with Government guidance contained

with the NPPF, Policy BL11 of the Bloxham Neighbourhood Plan and saved Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2011-2031 Part 1.

Landscape Impacts

- 8.19. Policy ESD 13 of the CLP 2031 Part 1 states that *'opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.'* It goes on to state that *'Development will be expected to respect and enhance local landscape character'* and that proposals will not be permitted if they would *'harm the setting of settlements, buildings, structures or other landmark feature'* or that it would *cause visual intrusion into the open countryside'*.
- 8.20. Policy C28 of the saved 1996 Local Plan states that *'layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development'* and Policy B11 of the Bloxham Neighbourhood Plan states that the lighting of public areas should accord *'with the recommendations of the Institute of Lighting Engineers recommendations on reduction of obtrusive light (or its successors) so as to convey a rural feel and avoid light pollution wherever possible'*.
- 8.21. Paragraph 180 of the NPPF is of particular relevance to this case when it states that *Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*
- 8.22. The application site is located within the existing school sports site but on the edge of the village, with approximately 40-45m separating the site of the nearest flood lights to the eastern boundary – beyond which are open fields. This open countryside is relatively flat stretching to the east, but falls away to the north and south. There are a number of public footpaths along the ridge to the east. From a wider site assessment and from the public comments received, it is clear they are in regular use.
- 8.23. The photographs taken in respect of previous applications demonstrate that the character of the area around the sports pitches has marginally changed since the 2006 appeal, due in part to the growth of the trees along the southern and northern boundaries of the court site and to a lesser extent along the eastern boundary – where the hedgerow is made up of smaller trees. Because the eastern boundary remains lower in height there would be little screening from key views approaching the village across the various pathways between the village and Bloxham Grove 2.5km to the north east of the site. There are a number of key views of Bloxham from these eastern approaches, with the Parish Church dominating the views, and the proposed masts would encroach into these views. Despite the proposals including provision for further mature planting along both the northern and southern borders of the sports pitches without a full landscape design it is impossible to fully judge what impacts any further planting would have on limiting the impacts on the landscape.

- 8.24. The 2006 refusal was resisted on the impact it would have on the rural character and visual amenities of the area – particularly when the floodlights were in use. This decision still holds significant weight, as notwithstanding the improvements to the lighting scheme made in the interim and the growth of the trees within the car park area and along the southern boundary, the built form and surrounding landscape has not significantly changed in the last twelve years. In addition ESD13 has added more robust policies to protect and enhance local landscapes since the 2006 appeal. The reason for refusal also referred to the fact that the site was within the Area of High Landscape Value – though this was an outdated landscape designation even at the time of the appeal and acknowledged by the Inspector, it does reflect the esteem that the local landscape has been and is held in – which is reflected in many of the objections from the local residents.
- 8.25. In the evenings at dusk, when there will still be local people using the footpaths, the glow from the lamps will also impact upon the views of the settlement. It will also impact upon views of eastern Bloxham and from a wider area, incorporating views from the north along Wykham Lane and the south from the area around Milton and the approach to Bloxham along the Milton Road. The technology of the proposed lighting scheme does help reduce light spill, particularly the drop-off immediately around the masts, but there will still appear a large block of artificial light under certain atmospheric conditions.
- 8.26. The Council's Landscape Officer has not objected to the proposals, agreeing largely with the conclusions reached in the submitted landscape impact report following his visit to the site. However following more extensive visits to each of the receptor points by the case officer it is clear that there will be a visual impact from some locations and these are considered to conflict with policy ESD13 – particularly the impact on setting of the settlement and the landmark feature of the important Grade I Listed Parish Church, which is the dominant feature when viewed from the majority of the key receptor points highlighted in the submitted landscape report.
- 8.27. The Parish Council requested that a condition be added to require the use of height adjustable masts which could be lowered when not in use. The applicant has responded to say that this would be impracticable as there is insufficient space to fold the masts and that they would constitute a trip risk to the users of the sports pitches. It is also considered that although they would represent less of an impact to the landscape during daylight hours during times when lit they would still impact upon the landscape.
- 8.28. In conclusion, the floodlights on 12.5m high masts would create a substantial block of light beyond the built confines of the village, of a more intrusive nature character than the more softly illuminated mass of the village to one side, which coupled with the topography of the adjacent rural landscape, the lit pitches would be distinguishable from the village and from a considerable distance. In these respects the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area. The proposals are therefore considered to adversely impact on the landscape and important views of Bloxham and are thus considered not to accord with policies outlined in with Government guidance contained with the NPPF and saved Policy C28 of the Cherwell Local Plan 1996, Policy B11 of the Bloxham Neighbourhood Plan and Policy ESD13 of the CLP 2011-2031 Part 1.

Residential amenity

- 8.29. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future*

development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Policy C31 of the saved 1996 Local Plan states that 'in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted'.

- 8.30. Policy ENV1 of the saved 1996 Local Plan states '*development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted*'. Policy BL9 of the Bloxham Neighbourhood Plan states that developments should '*ensure that the living conditions of neighbouring residents are not materially harmed*'.
- 8.31. There are five dwellings within 40-70m of the proposed floodlights and which have elevations with windows which face onto the site to some degree; three are along The Ridgeway – Ridgeway house, Ridgecroft and Conacre - and two along Waters Court – No.1 and No.2.
- 8.32. The 1993 and 1994 applications were refused on the grounds that the proposed lights would adversely impact the amenities of the neighbouring residents. The proposed floodlight masts in these cases were 14m in height and the light spill they would have caused was greater than that under the current proposals or indeed the 2006 application. The inspector found that given the then technical specification of the lights and the degree of separation to the dwellings that 'no undue harm to the residents' living conditions' would arise as a result of the noise or illumination. Nonetheless the Environmental Protection Officer was asked to re-evaluate their assessment in response to the local opposition to the scheme – they came back reaffirming their original position in respect of the lighting and indeed noise; given the technical information supplied within the lighting report prepared on behalf of the applicant and with the suggested curfews, which are within the 23:00 suggested curfew in the guidance and is comparable to similar recent applications in the District.
- 8.33. The lighting levels are shown to meet the guidance contained within the ILP GN01 - Guidance Notes for the Reduction of Obtrusive Light, 2011, which assumes an Environmental level E2 – Rural and of Low District Brightness – for the site. This would be a maximum sky glow of 5%, as there is zero upward direct lighting, and light intrusion into windows below 5Lux pre curfew.
- 8.34. The methodology of the lighting assessment has been questioned by an objector. Whilst Officers have no reason to question the approach taken by the report's author, further clarification has been sought on this point, with any finding being reported in the form of an update to Committee.
- 8.35. The Environmental Protection Officer supported the proposed additional baffling which would reduce the noise caused by hockey balls hitting the boards surrounding the sports pitches. The impact of sound on the neighbouring residents would be in-line with that experienced through the summer months when play can carry through until 20:00-21:00 in the evenings without the aid of floodlights. The increased baffling would offset noise impacts at what would otherwise be considered a time of year where the evenings were inherently quieter to residents due to the darkness.
- 8.36. The Parish Council also requested that further noise baffling be included in the submission. The proposal does include details of baffling behind the goals, which should reduce the noise during active periods. The Environmental Protection Officer has said that the curfew times by condition should be sufficient in order to protect the neighbouring properties from the noise of the pitches in addition to the proposed baffling.

8.37. The proposal is considered to largely accord with Government guidance contained within the NPPF and saved Policies ENV1 and C31 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2011-2031 Part 1 that requires appropriate standards of amenity and privacy, however, officers are seeking independent advice from a lighting engineer with regards the Environmental Level around the pitches (ie whether it is E1 or E2) and an update will be provided in the written updates with the findings.

Highway safety

8.38. The NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

8.39. Policy BL9 of the Bloxham Neighbourhood Plan states that *'the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network'*.

8.40. The proposals for the extension of the car park facilities at the Dewey Centre would enable the applicant to reduce the impact of weekday parking on nearby public roads. This is considered to be a benefit to the local residents, a number of whom have raised issues in their comments about the level of parking in the streets around the Bloxham School.

8.41. The proposal would however result in additional traffic to and from the site which a number of residents have raised as a concern. However, as the Highways Officer has not objected to the increase in the volume of traffic using the surrounding roads, the development is therefore considered to accord with Policy BL9 of the Bloxham Neighbourhood Plan and policies contained within the NPPF.

Protected species

8.42. The NPPF states that *'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity'*.

8.43. Policy ESD10 of the CLP 2031 Part 1 states that *'in considered proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources'*. It goes on to state that *'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or as a last resort, compensated for, then development will not be permitted'*.

8.44. The methods and content of the submitted report(s) on the impact on protected species at the site have been largely accepted by the Council's Ecology Officer, including the offsite compensation sought to increase biodiversity. There remains a question about the mitigation at the site and whether it would lead to a net-positive impact on bat numbers. Whilst it is accepted that mitigation at the Dewey Centre itself would not be able to fully overcome the impacts of the lights on the bat population and the off-site proposals are therefore welcomed, it is considered that further mitigations to improve north and south corridors on the site will need to be demonstrated pre-determination in order for the Council's Ecology Officer to fully assess the potential impacts to protected species.

- 8.45. The Council's Ecology Officer was made aware of the comments made by the objectors and concluded during discussions that although they would have an impact on the bat flight paths bats identified, they were satisfied that the lighting would not unduly affect the population status of the protected species.
- 8.46. The Ecology Officer was also directed to the comments made by the Oxford Badger Group and noted that badgers are not a protected species and whilst there might be some limited impacts upon them, there are no known setts that would be affected by the proposals.
- 8.47. As appropriate mitigation on site has not been demonstrated the proposals therefore fail to comply with Policy ESD10 of the CLP 2031 Part 1 and should be refused on this basis.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. As with the 2006 this appeal this is a very finely balanced decision, and comes down to the impact the flood lighting would have on the surrounding built-up area and landscape and the possible impact upon the protected species – which it has not been shown that they would be sufficiently protected by any additional mitigation on site. In respect of the floodlights, Officers are mindful of the 2006 appeal decision, particularly as this only sought to illuminate one of the two pitches, it is concluded that the impact of the floodlights, on the surrounding landscape, and despite advances in technology, reduced height of the masts and suggested screening from existing and additional trees, would still represent a level of harm to the local area and the landscape when lit in particular. The commitment to allow the local community access to the pitches weighs in favour of the development as does the increase in capacity for multiuse pitches in the local area, the additional relief from noise by the increased baffling and the higher level of parking offered in order to allow more staff to park.
- 9.3. The extended car park would be considered to be acceptable in the absence of an objection from the Local Highways Authority and Sport England.
- 9.4. Based on the appraisal above, the application is therefore recommended for refusal due to the impact on landscape and failure to provide mitigation for protected species on site.

10. RECOMMENDATION

That permission is refused

1. In the absence of an appropriate scheme for onsite mitigation of the impacts on the protected species of common Pipistrelle, the Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.
2. The site is prominent within an attractive and visually sensitive landscape which

affords wide-ranging views to Bloxham village. The proposed twelve 12.5m masts with floodlights, due to their siting, scale and illumination, would create a substantial block of light beyond the built confines of the village and highly visible in the landscape. As such, the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area. Therefore, and in the absence of sufficient mitigation of the visual harm, the proposed development would be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 Policy BL11 of the Bloxham Neighbourhood Plan and Government guidance contained in the National Planning Policy Framework.

CASE OFFICER: John Gale

TEL: 01295 221857



Appeal Decision

Hearing held and site visit made on 16 January 2007

by **Jane Miles BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail enquiries@planning-inspectorate.gsi.gov.uk

Date 22 January 2007

Appeal Ref: APP/C3105/A/06/2018301

The Dewey Sports Centre, Bloxham, Oxon, OX15 4PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is made by Bloxham School Ltd against the decision of Cherwell District Council
- The application Ref 06/00334/F, dated 21 February 2006, was refused by notice dated 18 April 2006
- The development proposed is the provision of floodlights to playing surface

Summary of Decision: The appeal is dismissed.

Procedural Matter

- 1 The address given on the planning application form is 'Bloxham School Sports Ground, Raymond Field, off The Ridgeway, Bloxham', but the site is generally known as the Dewey Sports Centre and the principal access to it is via Brickle Lane and Barley Close. At the hearing it was agreed that the address I have used in the heading above was appropriate

Main Issue

- 2 The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area

Planning Policy

- 3 The development plan includes the Oxfordshire Structure Plan 2016 (SP) and the Cherwell Local Plan (LP). Policy G2 of the SP (adopted in 2005) seeks to improve the quality and design of development, setting out criteria with which all development should accord
- 4 In the LP (adopted in 1996) Policy C13 seeks to conserve and enhance the environment in locally designated Areas of High Landscape Value (AHLV). Although part of the development plan, this policy does not fully accord with more recent national policy in *Planning Policy Statement 7 Sustainable Development in Rural Areas* (PPS7). The PPS encourages criteria-based policies to protect such areas, rather than local designations, and Policy EN34 of the Council's draft Cherwell LP 2011 followed this approach. In December 2004 the Council resolved not to progress this LP beyond the pre-inquiry stage it had reached, to concentrate on the new local development framework, but approved it as a non-statutory plan. As such it would normally carry little weight. However, as Policy EN34 better reflects current national policy than LP Policy C13, I shall have regard to it
- 5 My decision also takes account of national guidance in *PPS1 Delivering Sustainable Development*, *PPG15 Planning & the Historic Environment*, and *PPG17, Planning for Open Space, Sport and Recreation*

Reasons for the Decision

- 6 The proposal involves a total of 20 lamps mounted on 8 masts, each 15m tall, to floodlight the newer of the school's 2 artificial pitches. It was clarified at the hearing that the floodlights would be permanent structures, and permission is sought to use them until 21 00 hours on weekdays. The school would use the illuminated pitch until 18 00, and it would be used by Bloxham Football Club or Banbury Hockey Club for the remaining 3 hours.
- 7 The existing established character of the appeal site and its surroundings is one of the main points at issue between the Council and appellant. At the most general level, even though Bloxham is a sizeable village, with areas of estate-type housing beyond the Conservation Area at its historic core, I consider it to be part of the rural area because of its size, character, and countryside setting. The extent to which the appeal site is an integral part of the village, and its degree of urbanisation, are also key considerations. It was accepted at the hearing that these are matters of judgement, not least because the development plan does not define settlement boundaries for the District's villages.
- 8 The school's sports facilities at this location adjoin the Jubilee Park recreation ground, managed by the Parish Council and, in my opinion, existing residential curtilages to the north, west and south of this combined area of predominantly open land provide a well-defined and identifiable eastern boundary to this part of the village's built form. Due to their siting, size and mass, the sports hall building and recently completed squash courts are also seen as part of the village's urban form, but the remainder of the school's sports site and Jubilee Park have a markedly different and more open character.
- 9 There are some urbanising features in these areas but in my opinion they have limited visual impact. In views from around the site, there is little appreciable difference between the appearance of the grassed and artificial surfaces. Moreover the visual impact of fencing around the pitches is offset by the hedges and trees that surround various sections of the sports grounds and provide a visual link into adjoining countryside. The appeal site itself is separated from the sports centre building by the adjacent artificial pitch, and it projects eastwards into open land, beyond the easternmost limits of housing to both north and south. Overall, therefore, I do not consider the appeal site to be within the physical confines of the village. Nor do I find the character of the site and its surroundings to be primarily urban.
- 10 With regard to the visual impact of the illumination, the Council does not dispute that the scheme has been carefully designed to prevent glare and to minimise light spill beyond the playing surface, or that masts of 15m are necessary to achieve this. Residents disagree, but I find no reason to take a different view on this. Nonetheless, floodlights on 15m high masts would create a substantial block of light beyond the built confines of the village, of a quite different and more intrusive character than the more softly illuminated mass of the village to one side. Given also the topography of the surrounding countryside, it seems to me that the lit area would be apparent and distinguishable from that of the village from a considerable distance, particularly from the north and south. In these respects the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area, including the unlit countryside, even if use were to be restricted to 18 00 hours.
- 11 When not illuminated, the lamps clustered at the top of 8 masts, in close proximity to each other, would be visible from various viewpoints in the village, together appearing as a tall, incongruous feature beyond existing built development, with few trees of sufficient height in the vicinity to provide a softening effect. They would detract from the setting of the village as a whole, rather than the setting, character, or appearance of the Conservation

Area, from which they would be separated by other development. The telecommunications structures referred to by the appellant appear less intrusive because they are seen at a distance. Similarly, in daylight, the proposed floodlight structures would not be particularly prominent in more distant views, but that does not outweigh my other concerns.

- 12 There are some similarities, particularly in the edge of village setting, between this site and one at Hook Norton football club where floodlights were approved in 2005, following a previous refusal for a different siting, dismissed on appeal (ref APP/C3105/A/02/114634). However, because there are also significant differences, such as the topography around the site, the relationship with the village's built form, the number of masts, and more restricted periods of use, I do not consider that it sets a precedent for the appeal proposal. Overall I conclude that the proposal would harm the character and appearance of the surrounding area, contrary to the objectives of national and local policy and to SP Policy G2.

Other Matters

- 13 The proposal, facilitating extended use of an existing sports facility by the school and 2 sports clubs, is supported by those clubs, other organisations, and the Council's own leisure department. It would add to the facilities already made available by the school for community use, thus helping to reduce the need for Bloxham residents to travel elsewhere. In these respects it would accord with national and local policy objectives which promote the provision of sports and recreation facilities in sustainable and accessible locations. Whilst it seems that a proportion of the sports clubs' members are not Bloxham residents, and there is no clear information on what that proportion is, that does not necessarily negate the benefits of providing a high quality facility for the area in general.
- 14 Given the technical specification, the degree of separation from dwellings, and the scope to control the hours of use by condition, I am satisfied that there would be no undue harm to residents' living conditions as a result of the illumination or noise from activity on the pitch itself. However the close relationship between dwellings and access to the site could result in some noise and disturbance to residents from cars coming and going, both during and after evening use of the pitch, which is a point of concern. Residents also suggested that the adjacent narrow streets and existing parking provision would not cope with more intensive evening use, but no objections are raised by the Council or Highway Authority in these respects. On the basis of the information available to me on these matters I have no reason to take a different view.
- 15 Any dispute over the school's right to use the access across the Jubilee Park land is a private matter between the parties involved and does not affect the proposal's planning merits.

Conclusions

- 16 On balance, I conclude that the benefits of the proposal are outweighed by the harm it would cause in terms of character and appearance, and none of the other matters raised are so significant as to alter this overall balance. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Formal Decision

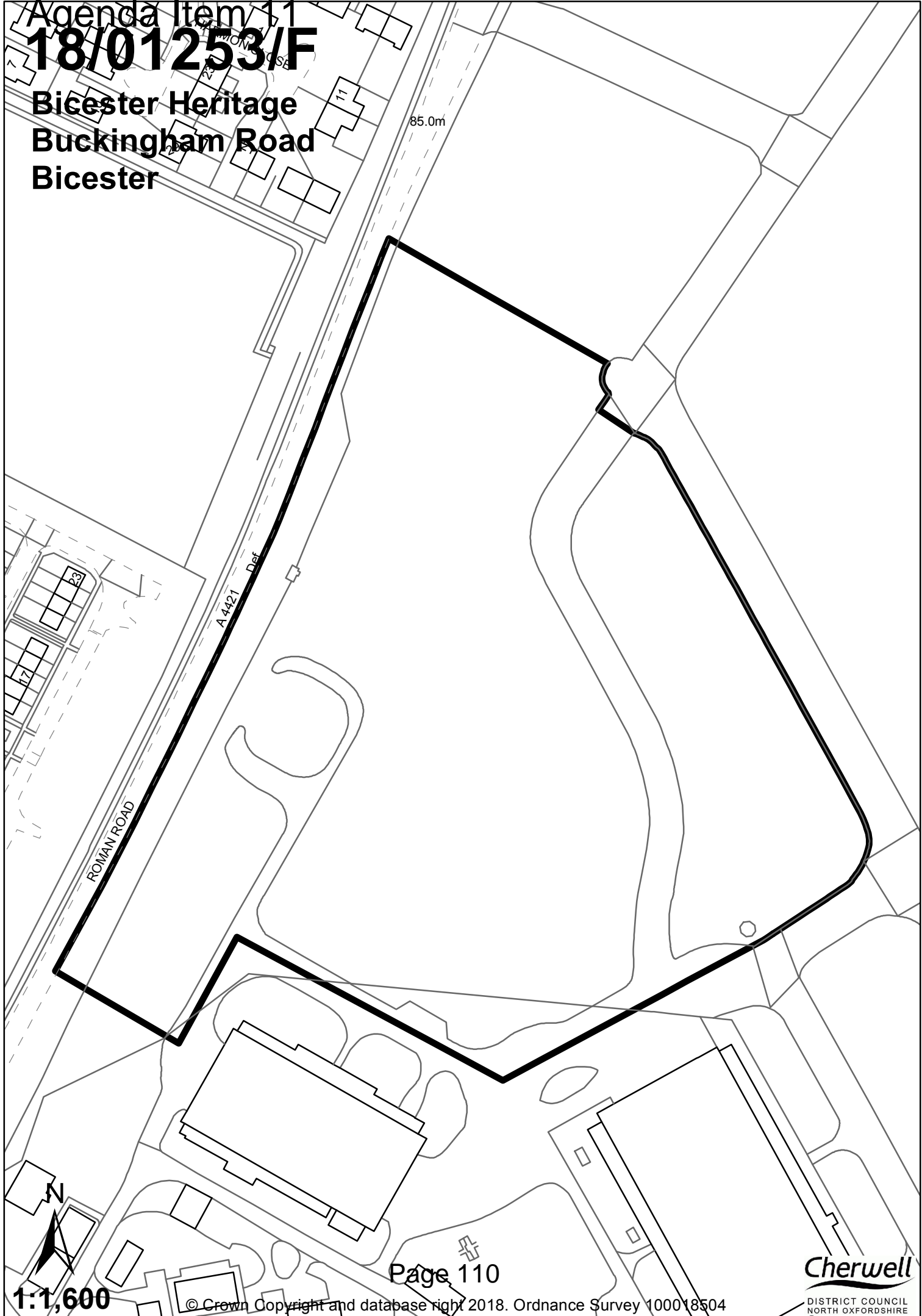
- 17 I dismiss the appeal.

Jane Miles

INSPECTOR

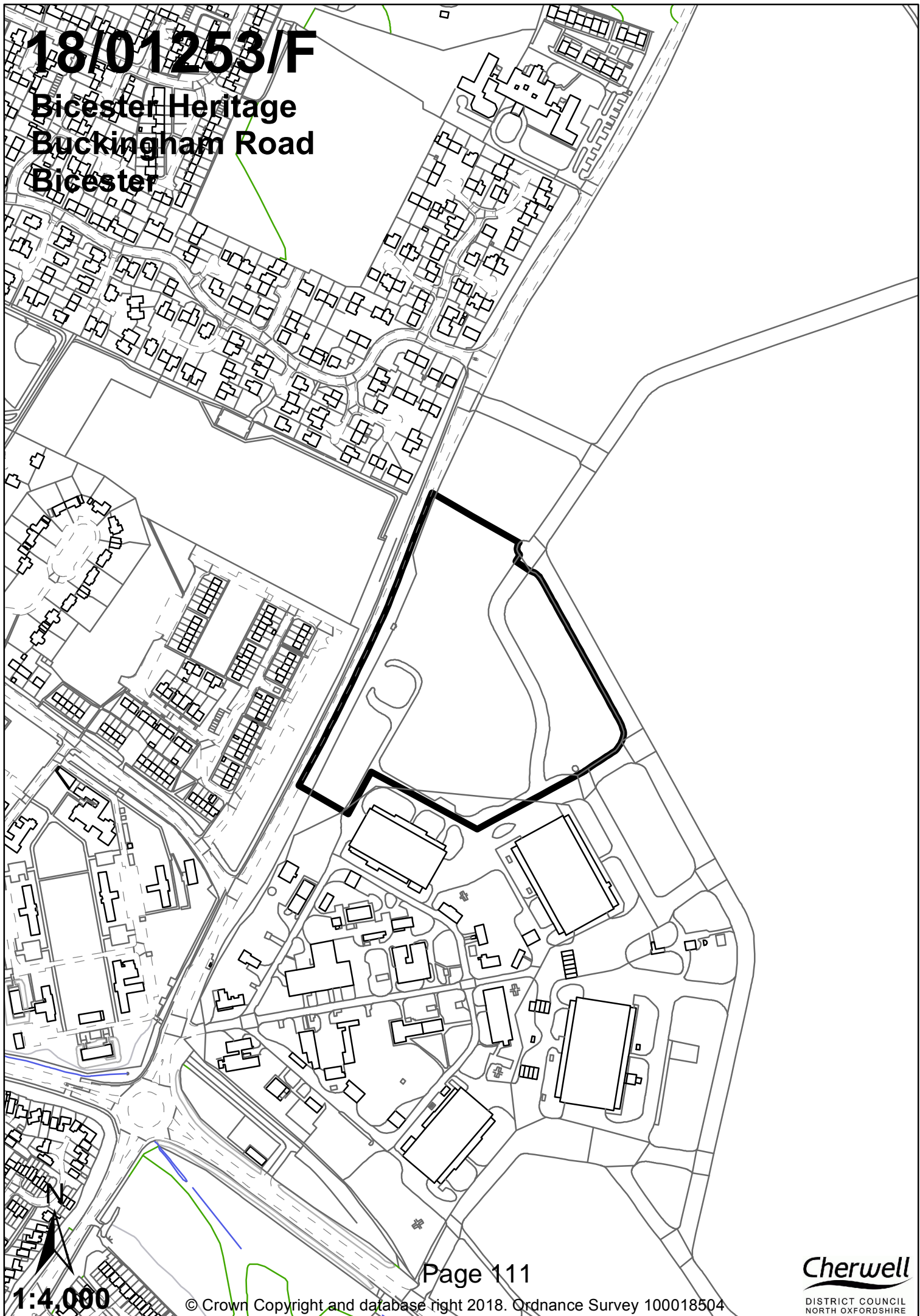
Agenda Item 11
18/01253/F

**Bicester Heritage
Buckingham Road
Bicester**



18/01253/F

**Bicester Heritage
Buckingham Road
Bicester**



Applicant:	Bicester Heritage Ltd	
Proposal:	Erection of hotel and conference facility with associated access, parking, and landscaping	
Ward:	Launton And Otmoor	
Councillors:	Cllr Tim Hallchurch Cllr Simon Holland Cllr David Hughes	
Reason for Referral:	Major application	
Expiry Date:	16 October 2018	Committee Date: 25 October 2018
Recommendation:	Approval; subject to conditions, no objections from highways and the finalisation of a S106 agreement	

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The application seeks consent for the construction of a five-storey hotel to the north of the existing buildings and adjacent to the Buckingham Road. At ground floor level, the hotel would include a reception, bar, restaurant, conference and meeting rooms, swimming pool and gym facilities, with separate entrance and reception for an aparthotel. The upper four floors would provide 252 guest rooms and 92 aparthotel suites.

The hotel would create approximately 180 full time equivalent jobs. The proposal includes a new vehicular access from the Buckingham Road and the provision of 311 car parking spaces within the site.

The proposed hotel would be of a similar scale and mass to the large hangars situated at the base and would sit in alignment with one of these hangars. The design is contemporary and utilises a mixture of materials including brickwork, textured brickwork, cladding, expanded metal mesh, glazed curtain areas and a glazed atrium.

Consultations

The following consultees have raised **objections** to the application:

- Launton Parish Council, Caversfield Parish Council, Stratton Audley Parish Council and OCC Highways.
Most of these objections relate to highways matters. Appropriate highways infrastructure will be secured through a S106 agreement although at the time of writing the report some of these matters are still in negotiation (see report for more detail).
- Historic England and the Bicester Delivery Team, whilst not specifically objecting, have raised concerns regarding lack of compliance with policy (on design grounds and energy efficiency respectively).

The following consultees have raised **no objections** to the application:

- Environment Agency, Highways England, Natural England, Thames Water, CDC Building Control, CDC Conservation officer, CDC Ecology officer, CDC Environmental health officer and CDC Landscape officer.

7 Letters of **objection** and 2 comments have been received in respect of the application.

Planning Policy

The site is allocated in the Cherwell Local Plan 2011-2031 Part 1, for '*Tourism Development*' (Policy Bicester 8).

The site is located within the Conservation Area of RAF Bicester. There are 22 Listed Buildings and several Scheduled Monuments located within the main technical site and wider airfield.

Much of the adjoining airfield is an allocated Local Wildlife Site (LWS). There is a Site of Special Scientific Interest (SSSI) within 2km of the site and a proposed District Wildlife Site (DWS) to the south, on the opposite side of Skimmingdish Lane.

The application has also been assessed against the relevant policies in the NPPF, the Development Plan and other relevant material planning considerations and guidance.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Siting, orientation, form, scale and massing
- Design and external appearance
- Heritage assets
- Highway safety
- Landscape and Visual Impact
- Ecology
- Trees and Landscaping
- Residential amenity
- Flood Risk and Drainage
- Contamination
- Energy Efficiency
- Planning Obligations

The report considers the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions and a S106 agreement to secure highways improvements. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION – DELEGATE TO OFFICERS TO GRANT PERMISSION SUBJECT TO CONDITIONS, NO OBJECTION FROM HIGHWAYS IN RESPECT OF AMENDED PLANS AND A S106 AGREEMENT TO SECURE HIGHWAY INFRASTRUCTURE

Members are advised that the above is a summary of the proposals and key issues are contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises the former RAF Bicester Airfield which is located to the north of Bicester on the outskirts of the town. The site is now occupied by Bicester Heritage, a company specialising in historic motoring and aviation. The site occupied by Bicester Heritage comprises the main 'technical site' area (where most of the buildings are located) and the flying field which extends to the north and east of the main technical site area, totalling around 141.5 hectares.
- 1.2. The whole of the site (including the flying field) is designated as a conservation area and most of the buildings within the main technical area are listed (Grade II). The remaining buildings are considered to 'make a positive contribution' to the area in the Conservation Area Appraisal and would therefore be considered as non-designated heritage assets. There are also several Scheduled Monuments located on the edges of the flying field and within the main technical area. Existing vehicular and pedestrian access to the site is gained just north of the roundabout on Buckingham Road. There are residential properties located to the west and south-west of the site.
- 1.3. For the purposes of this application, the site area and redline relates to a parcel of land situated on the northern edge of the former technical site totalling 4.5 hectares. This parcel of land is therefore bounded by existing buildings of the technical site to the south and south-west, the airfield to the north and east and residential properties to the west.
- 1.4. The existing technical site is laid out to a Trident pattern of development of 3 avenues projecting from the main entrance of the site. The buildings are generously spaced out from each other in a relatively sporadic nature but maintaining the appearance of the avenues. The hangars are arranged in an arc around the outer perimeter of the existing technical site.
- 1.5. The following constraints relate to the site:
 - The site is located within the Conservation Area of RAF Bicester;
 - The wider Bicester Heritage site contains 22 Grade II Listed Buildings with the remaining buildings making a positive contribution to the character and appearance of the conservation area and are therefore considered to be non-designated heritage assets;
 - There are several Scheduled Monuments located within the main technical site area;
 - There is a Site of Special Scientific Interest (SSSI) within 2km of the site (the quarry to the north);
 - The site lies within a designated Local Wildlife Site which extends around the perimeter of the airfield;
 - There is a proposed District Wildlife Site to the south of the site on the opposite side of Skimmingdish Lane;
 - The Bicester Heritage site is bordered to the south by the A4421 Skimmingdish Lane and to the west by the Buckingham Road;
 - There are residential properties to the south, south-west and west of the Bicester Heritage site (opposite sides of the road);
 - The site is allocated in the Cherwell Local Plan for 'Tourism Development' (Policy Bicester 8).

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks consent for the construction of a hotel with restaurant, conference and leisure facilities including an aparthotel.
- 2.2. The site area is 4.5 hectares with the proposed 344-bed hotel offering 18,000 square metres (internal floor space) of C1 Use (hotel), distributed over 5 floors. The hotel would create approximately 180 full time equivalent jobs. The hotel incorporates an 'aparthotel' which comprises slightly larger 'hotel type' rooms that also include a kitchenette and larger living space to enable longer stays. This would still function in a similar way to the hotel and therefore still comes under a C1 (hotel) use.
- 2.3. At ground floor level, the hotel would include a large open reception area and bar; restaurant with openable terraced area fronting the airfield; conference room which can be used as ballrooms; 4 meeting rooms and leisure area containing a swimming pool, gym and children's area. There would also be a separate entrance and reception for the aparthotel. The upper four floors would provide 252 guest rooms and 92 aparthotel suites. Most of the aparthotel rooms are to be provided with balconies as are some of the hotel rooms on the curved corner.
- 2.4. The proposed hotel would be of a similar scale and mass to the C-Type hangars situated on the adjacent technical site and would sit in alignment with one of these hangars. It will measure 35m high, 55m wide and 92m long. The design is contemporary but with a clear reference to the historical context. It proposes to use a mixture of materials including brickwork, textured brickwork, cladding, expanded metal mesh, glazed curtain areas and a glazed atrium. Detailed consideration of the design is set out later in this report.
- 2.5. The proposal includes a new vehicular access from the Buckingham Road leading to a small mini roundabout within the site. The car park is to be located to the western edge of the site adjacent to the boundary with Buckingham Road accessed from the northern arm of the internal roundabout. The plans shown provision of 311 car parking spaces (including 30 disabled spaces and 10 EV charging spaces), 26 of these are for feature display car parking (including 2 disabled) immediately outside the hotel with 4 spaces to be provided directly outside the aparthotel.
- 2.6. To the south of the internal roundabout will be green open space and to the east will be access to the drop off area of the hotel, the display car parking and the aparthotel.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/01333/F	Extension to existing Technical Site to provide new employment units comprising flexible B1(c) light industrial, B2 (general industrial), B8 (storage or distribution) uses with ancillary offices, storage, display and sales, together with associated access, parking and landscaping	Pending Consideration
18/00044/SO	Request for a screening opinion for proposed erection of new building to provide	Screening Opinion not

a hotel and conference facility with requesting EIA associated parking and landscaping

17/01847/F Alterations to existing site access including Application
installation of replacement security gates Permitted
and erection of gatehouse

The above planning history shows the applications directly relevant to the hotel proposal. The adjoining technical site has a detailed planning history with several planning applications and listed building consent applications associated with individual buildings including a site wide consent for commercial uses.

The general approach taken on the technical site has been to allow changes of use that fit with the commercial nature of the site and minor physical changes to the buildings to ensure their long-term use and viability with the aim of conserving the heritage assets on the site.

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place regarding this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
-------------------------	-----------------

17/00054/PREAPP	Hotel development
-----------------	-------------------

18/00045/PREAPP	Hotel development
-----------------	-------------------

4.2. In the first pre-application submitted in 2017, officer advice was given in respect of the principle of the development on the site and the response from consultees. Initial advice was positive to the proposals in principle, but more discussion was needed in respect of the design and detailing and impact on heritage assets.

4.3. The pre-application submitted in 2018 focused in detail on the design, orientation and layout of the hotel on the site. Officers considered that the initial orientation presented did not respect the historical form of development and therefore caused harm to the heritage assets. There was no respect to the design and scale of the buildings on the site and their use of materials, so after many discussions and meetings, a compromise orientation was agreed upon, which is the orientation that has been formally submitted as part of this application. Through discussions, the proposals were amended to take more inspiration from the existing buildings at the site which received officer support and this application is now the result of those discussions.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 06.09.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. The objections and comments raised by the 9 third parties are summarised as follows:

- Traffic impacts and congestion;

- Left exit only to do a U-turn around the roundabout is not appropriate;
- Loss of view;
- Landscaping required to Buckingham Road;
- Light pollution – impacts on ecology and residential amenity;
- Design not in keeping with the surrounding area;
- Impact of building works on local residents in respect of noise and dust
- Ecology issues;
- The site would be highly suitable for the use of swift bricks to provide a nesting place for swifts, which is a species that is in decline;
- Noise pollution from increase in traffic and hotel activity;
- Increase in traffic pollution;
- Building not in keeping with the heritage site – it will be an eyesore;
- Car park adjacent to the road not a good first impression to Bicester
- Loss of privacy;
- Detrimental to the natural environment;
- Light pollution;
- Potential for an increase in noisy events;
- Devaluing of properties (not a material planning consideration)

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. LAUNTON PARISH COUNCIL: **Object.** Current local highway infrastructure and other roads inadequate; plant area on top of the building appears to make the building a whole storey higher than the current hangars; the bulge on the side is not in keeping (curved corner); loss of visual amenity and light both within the airfield and for residents of Caversfield changes the aspect of the conservation area.

6.3. CAVERSFIELD PARISH COUNCIL: **Object.**

- Design of the hotel was not aesthetically pleasing and the comments of Historic England are noted. The plant area on top of the hotel appears to increase the height;
- The Apartments need to be limited in length of occupancy, so they may not be used as permanent dwellings;
- The building will be overbearing to properties on Turnpike Road - with upper rooms of the hotel being able to have direct view into the residential homes;
- Safety implications regarding the landing and flying of aircraft from the airfield were also raised - the overshoot area immediately opposite in which is now the 'American Park' in the village of Caversfield may not be accessible;
- Caversfield has limited street lighting and therefore assume the hotel and car park will cause light pollution - can modern techniques of movement sensors and more efficient LED bulbs in the external lighting be used to ensure lights are only used when needed;
- Do not consider there is adequate parking provision for the project as the travel plan assumes that many people will come by bus or train - but the trains are not as regular as they should be;

- Very concerned about the impact on the local highway infrastructure as no provision appeared to have been made for any traffic management mitigation proposals for busy periods - the speed should be reduced to 40mph at least. It should also be noted that the A4421 is one of the registered Haul Roads for HS2 and East/West Rail - increasing vehicle numbers and HGVs for many years to come;
- The additional junction entrance is also proposed to be unmanned which caused concern;
- The new vehicular access to the site is also contrary to the RAF Bicester Planning Brief which states it is not suitable to introduce a new access and a safe crossing point is yet to be provided;
- The Toucan crossing is not shown on the plans and should be secured through S106 and should be near the bus stops north of the main entrance;
- There should be clauses in the Travel Plan to prohibit people using the hotel from parking in roads around Caversfield;
- S106 funding for a traffic management scheme within the village and to agree that during events their traffic management plan will include stopping visitors impacting on the village

6.4. STRATTON AUDLEY PARISH COUNCIL: Broadly **supports** the development of a hotel on the site, but raised specific **concerns/objections** relating to;

- Site access and traffic management;
- All proposals are Bicester-centric and no account of the impact of the development on the area to the north and in the direction of Buckingham;
- No shared cycle path running north to the junction with Stratton Audley;
- The development would make walking and cycling along this length of road more risky;
- A footpath to the north would provide opportunities for green travel to villages, economic benefits and an amenity for visitors of the hotel and heritage site to access the countryside;
- The proposal will create an increase in congestion for residents accessing the main road and pedestrians attempting to traverse the road;
- Why no roundabout or traffic light system at the hotel entrance?;
- A shared use path could also be incorporated and new crossing, eliminating need for the crossing nearer the main roundabout that would cause congestion - the footpath on the eastern side of the road would not then be required;
- Queries various aspects of the supporting documents regarding sustainable travel - e.g. no cycle links from Buckingham and bus services are limited therefore access to the site is limited to those with cars; no provision for walking from Buckingham direction.

[Officer Comment: See Paragraphs 8.75 and 8.76 for response to resident's and Parish Council's concerns]

STATUTORY CONSULTEES

- 6.5. ENVIRONMENT AGENCY: **No objections** subject to conditions relating to contamination.
- 6.6. HIGHWAYS ENGLAND: **No objections.**
- 6.7. HISTORIC ENGLAND: 'Acknowledge that a degree of change is necessary as if the base is to have a sustainable future it needs to host a variety of beneficial uses which together represent a viable business model that ensures it is well looked after for the foreseeable future.

The siting of the building close to, and on the same alignment to a C-Type hangar represent a compromise between the operational needs of the hotel ... and the desire of the Council for the building to fit into the trident layout for the base. As the massing of the hotel has been altered to conform more closely to the form of the hangar there is a strong argument for fitting into the trident layout and I think this is a reasonable compromise’.

Historic England have acknowledged the ‘challenge of making this building conform to the massing of a C-Type hangar and look like it belongs as part of the base without looking too much like a hangar’. They have raised specific concerns with elements of the design particularly the curved corner, transition in material from brick to mesh metal and very regular window openings. They concluded that ‘if the architects were given a bit more time, and pushed a bit harder, they could refine these elevations and produce a much better building here’.

When considering the overall proposal in terms of the public benefits in the context of the NPPF, Historic England conclude that ‘While we accept that the public benefits, particularly helping secure the long-term future of RAF Bicester as a whole, outweigh the harm there is the need to ensure that harm is minimised as far as possible if it is to be considered justified. As we believe that the impact of the proposal on the Conservation Area could be meaningfully reduced by further improving the design we do not think that harm is at yet justified and more time should be allowed for design development’.

6.8. NATURAL ENGLAND: **No comments**

6.9. THAMES WATER:

- Waste Water – No objection but advised to seek comments from LLFA. Recommended a condition relating to swimming pool (control when emptying).
- Foul Water – Inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Recommends a condition to overcome this issue.
- Waste Water – Inability of the existing waste water network infrastructure to accommodate the needs of this development proposal. Recommends a condition to overcome this issue.

NON-STATUTORY CONSULTTEES

6.10. BUILDING CONTROL: **No comments**

6.11. CONSERVATION OFFICER AND URBAN DESIGN: Detailed comments have been provided which consider the impact of the proposal on the various heritage assets on the site. The following conclusion was provided: ‘The proposed hotel has evolved through detailed pre-app discussions with Bicester Heritage and their design team. Whilst a number of different designs and orientations are possible, the submitted design is considered to be appropriate given the various heritage constraints and business considerations involved. In terms of the hotel design itself, it would be useful to clarify more precisely how the expanded metal mesh covering will be executed on the hotel’s façades, especially where it gives the impression of changing façade texturing across wall planes. This design detail proposed is welcomed and clarification would be useful on this point.

The impact on heritage assets has been considered, and the relative harm to the setting assessed. The scheduled monuments potentially impacted should be referred to Historic England. In the main, it is considered that whilst there will be less than substantial harm to the setting of the Conservation Area and Listed Buildings

and other non-designated heritage assets, within the context of the NPPF (July 2018) para. 196, these are outweighed by the public benefits of the hotel. A key factor is that the hotel's success will ensure longer-term conservation and site viability in the future'.

6.12. ECOLOGY OFFICER: The site is within a Local Wildlife site, but it is evident that the area within the application site does not meet the Local Wildlife Site criteria as the majority of the grassland is close mown etc. There is a strip of species rich grassland to the western boundary detailed to be retained except where the access is to be, which is proposed to be mitigated. Recommends conditions to ensure the development is carried out in accordance with the Ecological Assessment and the mitigation measures therein.

6.13. ENVIRONMENTAL HEALTH OFFICER: Conditions regarding unexpected contamination, noise associated with mechanical plant or machinery; acoustic enclosure and a Construction Environmental Management Plan are recommended.

6.14. LANDSCAPE OFFICER:

- Grass moulding requires contextual cross-sectional illustration to assess;
- "robust edge" – needs unevenly spaced native trees as mitigation for dead elms;
- OCC vis-splay needs to be indicated as this may mean the loss of existing structural vegetation;
- Strategic planting will require evergreen species and projected tree growth;
- Is the re-alignment of the taxing route acceptable in heritage terms?;
- Further protection and conservation of calcareous grassland needed;
- Landscape management plan needed;
- Hard and soft landscaping proposals and tree pit detailing.

6.15. BICESTER DELIVERY TEAM: Summary of comments:

Energy efficiency

An Energy Strategy has been submitted as part of the suite of documents for this application which includes consideration of a number of ways to: reduce energy demand, increase energy efficiency, and generate energy from renewable energy sources. The analysis also considers the ways in which carbon emissions can be reduced and low carbon measures be embodied into the proposals.

The analysis shows that domestic hot water is the highest energy demand source for the proposed development. This is proposed to be addressed through the use of a CHP system.

Overall, the combination of passive and active measures are expected to result in a 19% improvement in energy demand, while the cumulative CO2 savings will reach 20%.

However, what is missing from these proposals is a commitment to implement these measures. It is also unclear why air source heat pumps are not considered further when they have been shown to be a feasible renewable energy option. The decision not to consider solar PV and solar thermal panels further due to the proximity of an airfield is to be questioned as there are a number of international airports around the world which have solar farms situated adjacent to them.

There is also no detail on how the following have been considered within the proposals, in relation to energy efficiency:

- Sitting, orientation, and aspect;
- How the impact on the external environment will be reduced through the provision of cooling and shading opportunities, use of open space, and planting;
- How the sustainable and local sourcing of construction materials has been considered;
- How the use of the embodied energy within buildings and re-using of materials has been considered;
- How recycled materials may be used in construction;

There is no detail regarding how BREEAM Very Good is to be achieved.

We would like to see further detail on the above and a commitment to incorporate the proposals already made in the Energy Strategy. As it stands, the proposals do not comply with policy requirements.

Construction Apprenticeships

CDC's Developer Contribution SPD (adopted February 2018) Appendix 13 sets out the indicative number of new construction apprenticeships to be provided through new development. For non-residential uses the amount is 3 apprenticeships per 1000 sq. m of floorspace. This application proposes 18,500 sq. m of floorspace and therefore any S106 agreement should seek a target number of 55 construction apprenticeships and the submission of an Employment Skills and Training Plan in line with the guidance contained in Appendix 13.

6.16. OCC HIGHWAYS: **Objection** for the following reasons:

- 1) An amendment to the layout of the site access is required in order to accommodate the movement of the largest vehicle anticipated to require access to the site.
- 2) It is not shown from the drawing submitted whether the proposed mitigation scheme can be delivered within the highway boundary and without detriment to existing pedestrian and cycle infrastructure. Further details of these schemes are therefore required.

If despite OCC's objection, permission is proposed to be granted then OCC requests the following prior to the granting of planning permission:

1) S106 contributions:

- Strategic transport contribution (£607,103)
- Public transport infrastructure (£2,180)
- Traffic Regulation Order (£5,200)
- Travel Plan Monitoring (£2,040)

2) An obligation to enter into a S278 agreement (details of the works required have been provided).

3) Planning conditions

- Access details
- Travel plan
- Construction traffic management plan

The following additional key points were highlighted in the response:

- A pair of bus stops and informal pedestrian of Buckingham Road are required at the site access.

- An updated site access drawing showing bus stops/informal tactile crossing with refuge island is required.
- Capacity improvements at the A4421/A4095 roundabout junction, B4100/A4095/Banbury Road roundabout junction and the A4421 Skimmingdish Lane/Care Home Access/Launton Road roundabout junction are required as mitigation of the development's traffic impact.
- The County Council welcomes the provision of shared use footway/cycleway on the eastern side of Buckingham Road and the toucan crossing near to the Buckingham Road/Skimmingdish Lane priority junction.
- Amendments to the travel plan will be required.

Detailed comments have been provided with regards to walking and cycling, public transport, traffic impact, strategic transport contribution, access, car parking, cycle parking, service and deliveries, drainage, and travel plan.

Full justification has been provided for the requested S106 contributions, the recommended conditions and the need for a S278 agreement.

Officer comment: Amended plans have now been submitted to resolve these objections and re-consultation with OCC Highways is being undertaken. It is anticipated that a response will be received from OCC Highways prior to the committee and can be reported in the written updates, or otherwise delegated authority will be requested to officers to resolve any matters still outstanding at that time

- 6.17. OCC DRAINAGE (Lead Local Flood Authority): The SuDS proposals for this site include the use of Permeable Paving, Swale and an underground geo-cellular soakaway. The drainage strategy reports infiltration rates that derive from tests carried out within Bicester Heritage Area, it is not clear whether infiltration testing has been undertaken at the site itself. Therefore OCC (drainage) requires that this testing must be undertaken to inform detailed design.

Existing natural surface water flow-paths are diagrammatically shown within the FRA as flowing from west to east. The drainage system must be designed to accommodate overland flow from adjacent land if this is likely to be intercepted or affected by the development. Consideration must be given to exceedance flow-paths at the site, and as well as the consideration of the modelled events there should be a qualitative examination of what would happen if any part of the drainage/SuDS system fails, to demonstrate that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes. This should be supported by a flood exceedance route plan.

Although a SuDS Maintenance Schedule was provided with the application, it is not clear the party responsible for maintenance of SuDS at the site. A SuDS Management and Maintenance Plan must be provided (A detailed list of the requirements of the maintenance plan has been included in the response from the drainage team).

- 6.18. OCC ARCHAEOLOGY: No archaeological constraints.
- 6.19. ECONOMIC DEVELOPMENT: Supportive of the proposal that will not only provide employment and add to the viability of Bicester Heritage but will also provide services to assist business, to retain expenditure and add to the development of the wider economy. It therefore represents key infrastructure that contributes to the Council's economic growth objectives. To ensure its successful development and

operation, it should engage with local partners to implement an employment and skills plan.

- 6.20. ARBORICULTURAL OFFICER: The arboricultural impact assessment was made prior to the design of the hotel being finalised, but do not anticipate many trees will require removal to facilitate the development. Would recommend conditions relating to tree removal plan, tree protection plan and arboricultural method statement and replacement planting to ensure as much screening as possible to the adjacent A4421.
- 6.21. WILDLIFE TRUST: No comments received
- 6.22. BICESTER LOCAL HISTORY SOCIETY: No comments received
- 6.23. BUSINESS SUPPORT UNIT: No comments received
- 6.24. HEALTH PROTECTION: No comments received
- 6.25. PLANNING POLICY: No comments received
- 6.26. RECREATION AND LEISURE: No comments received
- 6.27. CRIME PREVENTION DESIGN ADVISOR: No comments received
- 6.28. WASTE AND RECYCLING: No comments received

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP Part 1)

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE3 – Supporting Tourism Growth
- SLE4 – Improved Transport Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SUDs)
- ESD10 – Biodiversity and the natural environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

- BIC8 - Former RAF Bicester
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1 – Transportation Funding
- T2 – Proposals for hotels, motels, guest houses and restaurants within settlements
- C1 – Protection of sites of nature conservation value
- C2 – Development affecting protected sites
- C4 – Creation of new habitats
- C7 – Landscape Conservation
- C23 – Retention of features contributing to character or appearance of a conservation area
- C25 – Development affecting the site or setting of a schedule ancient monument
- C28 – Layout, design and external appearance of new development
- ENV12 – Development on Contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Bicester Conservation Area Appraisal – November 2008
- Bicester Masterplan – Consultation Draft August 2012 (limited weight)
- RAF Bicester Planning Brief 2009
- Heritage Partnership Agreement – Bicester Heritage
- Cherwell Non-Statutory Local Plan 2011

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Siting, orientation, form, scale and massing
- Design and external appearance
- Heritage assets
- Highway safety
- Landscape and Visual Impact
- Ecology
- Trees and Landscaping
- Residential amenity
- Flood Risk and Drainage
- Contamination
- Energy Efficiency
- Planning Obligations

Principle of the development

Policy Position

- 8.2. The application site is allocated in the Cherwell Local Plan under Policy Bicester 8 for 'conservation-led' proposals to 'secure a long-lasting, economically viable future for the site and flying field'. The policy proposes a number of uses that will be acceptable at the site including tourism and leisure uses. Hotel and conference

facilities are specifically supported as part of a wider package of employment uses. In terms of the “wider package of employment uses”, whilst not part of this application, it should be noted that a further planning application is currently pending consideration for an expansion to the existing technical site (Ref: 18/01333/F). This proposal therefore accords with the allocation for the site within the Cherwell Local Plan.

- 8.3. In addition to Policy Bicester 8, the proposal for a hotel and conference facilities is also supported by the wider policies of the Local Plan. Policy PSD1 ensures that there is a presumption in favour of sustainable development that accords with the Plan and secures improvements to the economic, social and environmental conditions of an area, subject to other material considerations. Policy SLE3 specifically relates to proposals that support tourism growth, in particular those proposals that will increase visitor numbers to the District and increase overnight stays, which this proposal will achieve.
- 8.4. The proposal for the hotel also includes rooms that would be classed as ‘Aparthotel’ rooms. These are rooms that include small kitchenettes and living spaces enabling longer rental of rooms (for up to a month is considered appropriate in this instance). They are slightly larger rooms than the hotel rooms, but otherwise function much the same as the hotel rooms, accessed via a communal reception area and internal doors from a central corridor. Therefore, in this respect, they are still considered to fall within the C1 use class and thereby comply with the requirements of Policy Bicester 8.

Sustainable Location

- 8.5. The proposal for a hotel on the former RAF Bicester site is considered to be in a sustainable location, on the edge of Bicester town centre. With motor car manufacturing in Oxford and much of the UK’s motorsport industry, particularly F1 businesses, located in the surrounding areas (particularly in Banbury, Brackley and Silverstone), Bicester is ideally located to provide a hub for classic car businesses and enthusiasts. Therefore, a hotel in this part of the District and close to a sustainable settlement is considered to comply with Policy PSD1. It will ensure the long-term viability of the site and improve the economic, social and environmental conditions in the wider Bicester area.

Economic Benefits

- 8.6. The proposal will also bring many economic benefits to Bicester and the wider District. As set out in the applicant’s Planning Statement, the operational hotel is expected to create 180 full time equivalent jobs and in the region of £5m GVA annually. It is also anticipated to create 455 temporary jobs through the construction phase of the development and £19m GVA. This would add to the existing strength of Cherwell’s visitor economy which in 2016 was valued at £396m, 7,000 jobs supported by tourism and approximately 7 million trips to Cherwell. The overnight trips accounted for only 0.4million trips and yet their value was around £77m. Therefore, the proposed hotel offers considerable scope to increase visitor numbers and overnight stays and increasing the value of these visits to the local economy. This will comply with policy SLE3 which seeks to support tourism growth in the District by increasing overnight stays and visitor numbers to the area. It will also lead to other further opportunities for growth.
- 8.7. The proposal for a hotel also complies with saved policy T2 of the Cherwell Local Plan 1996 which allows for the provision of hotels within the built-up limits of a settlement.

Compliance with National Policy and Guidance

- 8.8. The proposal for a new hotel, in a sustainable location such as on the edge of Bicester is also considered to comply with the objectives of the NPPF and NPPG, in particular sections relating to sustainable development and building a strong, competitive economy. Para. 11 makes it clear that proposals that accord with an up to date development plan should be approved without delay. Para. 80 also stresses the importance that planning should create conditions in which businesses can invest, expand and adapt and in this sense this proposal will be enabling Bicester Heritage to grow and expand further contributing to the local and wider economy.

Compliance with Planning Brief

- 8.9. A Planning Brief was adopted by the Council in 2009 for the former RAF site in order to secure its long-term future. This was written at a time when much of the site was identified on the then English Heritage's Heritage at Risk Register and no owner had come forward for the site. It also pre-dates the Cherwell Local Plan and the NPPF both of which now represent a more up to date policy context. Therefore, the Planning Brief is now somewhat out of date and therefore holds limited weight. However, there is some useful information within the brief setting out the opportunities for the site and important constraints. It is considered that the proposal for a hotel which complies with the site's allocation in Policy Bicester 8 of the Local Plan generally conforms to the aspirations of the Planning Brief which was to preserve the site and secure its long-term viability.
- 8.10. Whilst Policy Bicester 8 requires development proposals to accord with the Bicester Masterplan, this document has only reached Consultation stage in 2012 and has not progressed further at this stage as it was overtaken by the Local Plan. Therefore, only very limited weight can be attributed to it. However, it is considered that this proposal, in according with other Local and National Planning policies, would be adhering to the wider aspirations of the Masterplan to encourage economic growth to the District and improvements to social and environmental factors.
- 8.11. The hotel proposal is not considered to impact on the continued use of the airfield as a gliding club which is set out in Policy Bicester 8 of the Local Plan and the Planning Brief that this use should be retained in order that aviation uses continue to be a feature of the site to retain links with the historic use of the site as a military airfield.

Conclusion

- 8.12. In conclusion, the principle of the erection of a hotel (and aparthotel) on this site is considered to be acceptable and complies with the Development Plan, the National Planning Policy Framework and other material planning considerations subject to the details and all other issues being acceptable as set out in the following sub-headings.

Siting, Orientation, Form, Scale and Massing

- 8.13. Policy ESD 15 of the Cherwell Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high standards and should respect the historic environment including conservation areas and listed buildings. Policy Bicester 8 of the Cherwell Local Plan also makes it clear that development at this site is to be 'conservation-

led', therefore meaning that it is what is appropriate for the site in terms of heritage related issues that must be at the forefront at all times. Both of these policies are supported by the NPPF (sections on design and heritage) which states that good design is a key aspect of sustainable development to create better places (Para. 124). Decisions should ensure that (amongst other factors) developments are visually attractive; sympathetic to the local character and history and optimise the potential of the site (Para.127). Section 16 on the historic environment acknowledges that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (Para. 184).

- 8.14. They are also underpinned by the saved policies of the Cherwell Local Plan 1996, in particular policies C28 and C30 requiring all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.15. With the above policy context in mind, whilst the principle of a hotel on the site is supported, it is imperative that it is appropriately sited and designed to ensure that it fits in with the historical context of the site and respects the existing pattern of development. Scale-wise, the applicants were advised that the hotel should not be any larger in dimensions than that of the largest hangar on the site (a C-Type Hangar), however this was considered to give considerable scope for the design of a hotel.

Siting and Orientation of building

- 8.16. In terms of siting, the hotel was proposed to be in the area to the north of the existing technical site, in an area where there is an existing gap between the largest C-Type hangar and the Buckingham Road. This is a logical siting as it enables direct access to be gained from the Buckingham Road whilst also being able to provide a relationship to the airfield. The siting away from the central airfield also complies with the Planning Brief 2009, which states that any loss of the extent of the flying field, or incursion into it by built development would be wholly unacceptable and detrimental to its importance as an integral part of the conservation area.
- 8.17. Earlier iterations of the proposal sought a hotel on the same site as now proposed but to an orientation that saw its longest side parallel to Buckingham Road with its shorter side facing the A-Type hangar to the south. Officers felt that this orientation was at odds with the Trident form of development and that it turned its back on the existing technical site, rather than being designed to be an integral part of the site.
- 8.18. During the pre-application process, much discussion took place with the applicants regarding the appropriate orientation of the hotel on the site. Officers felt that an orientation with the long side parallel to the A-Type hangar would be most appropriate as this would continue the arc of the existing C-Type hangars, but the applicants felt this would not work as well in terms of the operational use of the hotel and accesses to the Hotel entrance and Aparthotel entrance and would also not maximise views of the airfield from hotel rooms. It was also considered necessary to ensure that views along the avenue from the site entrance, part of the Trident pattern of development, were not obscured by the hotel at the end.
- 8.19. Ultimately a compromise was agreed upon where the hotel was to be orientated with its short side parallel to the nearest C-Type hangar. This had the benefit in continuing the natural outer arc of the large hangars on the site, whilst also providing more space around the hotel and between the hotel and the A-Type hangar. It also enabled the hotel to maximise the outlook from the proposed hotel

rooms across the airfield and for the car parking area to be positioned to the west of the hotel minimising its impact from the airfield. The only minor negative was the need to slightly amend the alignment of the existing track on the airfield side of the hotel, but this was considered to be outweighed by the significantly improved relationship the amended orientation brings to the site and the public benefits of the hotel proposal in principle (see more under Heritage Assets).

Scale and Massing of building

- 8.20. The first designs of the form of the hotel incorporated projecting wings of 3 storeys to the north and south of the main 5 storey building. A subsequent design scaled this back to one projecting wing to the north which increased in height to 5 storeys to match that of the main building. Officers felt that the form of both of these designs did not emulate any of the existing development on the site, or respect the scale of the hangars, with the projecting wings appearing as an 'add-on' to obtain the additional floor space required rather than an integral part of the design. Officers felt that the form of the hotel should be kept to a simple rectangular plan form – to respect and not compete with the existing hangars.
- 8.21. The removal of the projecting wings led to discussion over the creation of a 'tower' at a corner of the building to reflect that of an airfield 'watch tower' and to provide the additional floor space required that the applicants were seeking. This could also be an opportunity to create a 'wow-factor' appearance to the hotel. The scale of the hotel was to not exceed the height of the hangars, but development at one or more corners could be higher as it would only be a small part of the overall massing. This design idea led to the creation of the 'curved corner' to the north (same height as the main building). This took inspiration from the curved nature of the perimeter track around the airfield, used now for the testing/driving of the classic cars at the site. This is considered to create a positive feature of the hotel, distinguishing it as different from the hangars and giving a more contemporary feature to the northern corner.
- 8.22. In making amendments to the design of the hotel (set out below), the height of the hotel has increased slightly so that it is now 400mm higher than the adjacent largest hangar. Whilst the height of the adjacent hangar had been set as a parameter, officers felt that the overall design response has been greatly improved to the extent that it is possible to support the slight increase, on the basis that this is a minor increase. Also, with the separation distance from the hangar and the element of perspective, it will in reality be hard to detect the slight height increase given the overall scale of the building.
- 8.23. It has been noted and raised by Launton Parish Council and Caversfield Parish Council, that there is to be a screen to obscure the plant and equipment to be located on top of the hotel. However, this will be set back from the front of the hotel and therefore only minimal views of this are likely. A condition will be imposed to ensure that details of the design of this screen are submitted for approval so that the visual impact is minimised.
- 8.24. Overall, the hotel has been scaled back and simplified from a sporadic form of development of varying scales and massings which did not draw reference from the existing site, to a simple rectangular form with a curved feature to its corner. The orientation now reflects that of the existing pattern of development at the site, continuing the natural arc of the largest hangars with a frontage to the airfield and now appears as an integral part of the development at the site.

Layout, Design and external appearance

- 8.25. Officers have consistently expressed the view that the design of the hotel in this location could be something quite bold, striking and contemporary, whilst still taking reference and design cues from the existing buildings on the site, in particular the hangars. It is acknowledged that this building is to be a hotel and therefore must look inviting and attractive and not like a hangar, but nevertheless there is considerable scope to design a building that clearly takes its inspiration from the existing 1930s technical site, the hangars and use of materials such as brick, concrete, slate, metal etc.

Design Evolution

- 8.26. With that in mind, the proposal has progressed significantly during the pre-application stage since 2016 and mostly notably this year. Earlier iterations of the proposed design and layout were not considered by officers to be bold enough for the site and there was no reference in the design and detailing as to the existing buildings and materials used at the site, for example brick.
- 8.27. The proposals presented in 2017 and early 2018 drew clear references from international interwar Modernism, such as Walter Gropius' 1925 Bauhaus in Dessau, Germany, amongst other influences. The hotel was designed to a very uniformed and regular appearance, to a highly modern design with the main colour being white to the external appearance. This was considered to be entirely at odds with the simple and less imposing architecture of the 1930s, including its use of colours and materials. Whilst officers were accepting of a contemporary design, the Modern Movement was not considered to be appropriate for this site as it bears no resemblance to its context. In this sense, officers are referring to the fact that during the interwar period there were very few examples of large Modernist buildings in Britain, and also, that airfield architecture tended to reflect the Air Ministry's preference for more traditional design, including neo-Georgian motifs and detailing. Whilst a contemporary design was encouraged, this also needed to sustain a design discourse with adjacent historic buildings.

Current Design

- 8.28. The proposals were therefore amended to those now formally submitted as part of this application, which represents a building of high quality design whilst respectful of its historic context. As set out above, the building was amended to a crisper but functional design with an understated elegance of many interwar airfield buildings. It now consists of a rectangular plan form to emulate the form and massing of the adjacent hangars. It is laid out with a glazed atrium that is off-set to the north-western half of the hotel. This will create a large reception and welcome area to the hotel, intended to create a 'wow-factor' design feature as the atrium will be a full height space up to the roof of the hotel, with internal rooms looking out over the atrium. The aparthotel entrance will be a scaled down version to the south-east with a glazed curtain wall at the ground floor level.
- 8.29. The hotel still retains a regular appearance due to its fenestration and the rhythm of horizontal banding and other design detailing, however on all elevations this is broken up by the use of other materials/design features. For example, on the east and north elevations, both of which incorporate a regular appearance of window openings, the curved feature will be evident on the northern corner across all floors of the building, together with a glazed curtain wall at ground floor level and the openable terraced area to the restaurant. On the main west elevation, the rhythm is broken up by the glazed atrium and also the use of sections of full height facing brickwork.

- 8.30. All elevations are varied and will use a mixture of brick, textured brickwork, light cladding, metal cladding and expanded metal mesh. The brickwork will be a red brick and is a reference to the use of brickwork in the existing technical site. The expanded metal mesh comes from the discovery that Bicester used to be a camouflage school of the RAF and hangars used to be covered with a netting. The idea is that the expanded metal mesh is positioned on top of the brickwork and then stops to expose the brickwork creating a transition between the two materials. This has the added benefit of toning down the colour palette from a solely brick structure and enables it to blend in with its surroundings much more appropriately, but at the same time creating a high-quality feature building within the site. To ensure that this works well, a condition will be imposed to require more detail of the blend between the brickwork and the expanded metal mesh as well as an architectural detailing condition.

Conclusion

- 8.31. Overall, the proposed design is now considered to fully respect existing buildings at the site and uses these as clear inspiration for the design of the hotel, which together with its use of more appropriate materials, will create a high quality contemporary development that still appears integral to the site.

Heritage Assets

- 8.32. The significance of this site relates to this being one of the best-preserved examples of an inter-war airfield, developed after the First World War at a time when technological advances in aircraft led to a need for different philosophies in military architecture and urban planning, led by Sir Hugh Trenchard (founder of the RAF).
- 8.33. The Conservation Area Appraisal describes the military base at RAF Bicester as *'the quintessential airfield of its age; almost better than any other site it typifies the public perception of the World War II airfield'*. It goes on to say *'The character of RAF Bicester is unified by its function as a military station. There were principles underpinning the planning of airfields in the first half of the 20th century and these are key determinants of the character that remains today'*. *English Heritage (now Historic England) also states that 'RAF Bicester retains, better than any other military airbase in Britain, the layout and fabric relating to pre-1930s military aviation.....With West Rainham in Norfolk it comprises the best-preserved bomber airfield dating from the period up to 1945....it also comprises the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme'*.
- 8.34. The base was designated a conservation area in 2002, its primary architectural and social historic interest being its interwar design, layout and use. The nature of the site is defined by the historic landscape character of distinct zones; the domestic site (to the west of Buckingham Road), the technical site and the flying field (to the east of Buckingham Road). The layout of the site is built to a 'trident' pattern – with 3 arms branching out from a central axis creating avenues. The location of buildings was deliberately spacious so that if any buildings were ever bombed other buildings may be preserved. The conservation area designation acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the military landscape are preserved.
- 8.35. Within the technical site and the flying field most of the buildings are Grade II Listed, including the A-Type and C-Type hangars close to the proposed hotel.

There are several Scheduled Monuments which includes airfield defence structures such as trenches, a pillbox and an air raid shelter later thought to be an anti-aircraft gun position.

- 8.36. Scheduled Ancient Monuments are designated within the context of the Ancient Monuments and Archaeological Areas Act 1979 (AMAA 1979). This designation affords a higher degree of protection than Listing, and decisions about proposed development potentially affecting them are assessed by Historic England.
- 8.37. To date, Bicester Heritage as current owners of the site have so far focused on renovating and refurbishing the existing buildings at the site to a very high standard and bringing them back into viable use (mainly commercial with some office provision). In order to allow for the growth of the site and maintenance of other buildings, inevitably new development now needs to be considered.
- 8.38. It is in recognition of the significance of the site in the national context that Policy Bicester 8 of the Cherwell Local Plan requires a 'conservation-led' approach to the development to be taken. Policy ESD15 of the Local Plan also requires developments to conserve, sustain and enhance designated and non-designated heritage assets and their settings.
- 8.39. In respect of this proposal the application needs to consider the impact of the development on the character and appearance of the conservation area, the setting of the conservation area, the setting of the listed buildings and the setting of the scheduled monuments.
- 8.40. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid in the exercising of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise, Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.41. Paragraph 192 of the NPPF advises: *'In determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability;*
 - *and the desirability of new development making a positive contribution to local character and distinctiveness*
- 8.42. Paragraph 193 goes on to advise: *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*
- 8.43. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest

significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Impact on the Conservation Area and its Setting

- 8.44. The proposed location for the hotel would be situated on the edge of the technical site to the north of the existing buildings, adjacent to the flying field and the nearest two listed hangars (A-Type and C-Type). This would be in a prominent location in the conservation area, visible from the airfield and from outside the site. In order for its impact on the character and appearance of the conservation area and its setting to be minimised the hotel has been designed with clear massing and elevational references from the C-Type hangars in mind to ensure that the hotel does not compete with the scale and massing of the hangars and sits comfortably within its setting.
- 8.45. The orientation (as previously discussed above) has been aligned to match that of the adjacent C-Type hangar so that the longest side fronts the airfield and the short side is parallel to the short side of the hangar. Whilst this was not the preferred orientation for the hotel for officers, it represents a compromise solution that still obtains the same objective, which is to respect the historical pattern of the development. By being positioned in this way, next to the largest hangar, the hotel will continue the built form of development in a natural arc around the periphery of the technical site which is considered to sustain the character and appearance of the conservation area and its setting.
- 8.46. In considering the orientation and position of the hotel, consideration was given to the Trident form of development at the site, in particular, the views along the avenue within the site (parallel to Buckingham Road) from the site entrance. These avenues are important to the character and appearance of the conservation area as they maintain the sense of space and tranquillity at the site. It was therefore considered important not to obstruct the openness of the views and ensure that the hotel was kept behind the line of the avenue.
- 8.47. Another important axis to consider in the orientation and position of the hotel was the views from the watch tower. Historically, the watch or control tower would have had a 360^o view of the flying field, hanger hard standings, perimeter tracks, and taxiways. A key factor was to maintain control over aircraft take-offs and landings, so as to avoid accidents. Bicester's example was built during the late 1930s. Therefore, in order to preserve the historic integrity of the site, it was important to ensure that views across the airfield from the watch tower were not interrupted by the hotel.
- 8.48. Whilst a contemporary new hotel on the site will be visible from Buckingham Road to an extent (softened by landscaping as explained later in this report), as set out in the above sub-heading its high-quality design, detailing and use of materials will ensure that the setting of the conservation area, when viewed from outside the site, can be preserved.

Impact on the setting of the listed buildings and other non-designated heritage assets

- 8.49. The nearest listed buildings are the two hangars as well as several other smaller buildings positioned behind the hangars. There are also a number of smaller buildings close to the site that are not listed although would be considered to be 'non-designated heritage assets' due to the positive contribution that they provide to the conservation area as a whole. Most of these are obscured from the hotel by

the hangers however small glimpses of the listed buildings will be evident from the existing technical site.

- 8.50. An assessment of the various buildings potentially affected by the proposal and their settings have been assessed within the Council's heritage advice with the conclusion that the separation distances from the hotel and the improved design of the hotel will go a significant way to minimising the impact of the proposal on the setting of these listed buildings and non-designated heritage assets.
- 8.51. The curved feature is purposely positioned to the northern corner in order to maximise the views across the airfield, however this contemporary addition to the hotel is positioned furthest away from the listed buildings so that it will not cause direct harm to the immediate setting of the listed buildings.
- 8.52. The scale of the hotel was an important factor for officers to ensure that it did not significantly exceed the height of the adjacent hangars. The revised proposal is slightly higher than the neighbouring hangar by c.400mm, however this is not considered to be substantial in its context. The hotel will be sited approximately 50m from the adjacent C-Type hangar and from this perspective, it is not considered that the slight height increase will be noticeable from the wider area and will not adversely impact on the setting of the listed hanger.
- 8.53. The proposal is now utilising materials that are more in keeping with the site (brick, cladding, metal mesh etc.) and the overall colour palette is now much more akin to the existing technical site, therefore the overall design and appearance of the hotel is considered to blend with the existing technical site much better, which will enable the setting of the listed buildings and the character and appearance of the conservation area to be maintained.

Setting of Scheduled Monuments

- 8.54. The agreed orientation has resulted in the need to slightly amend the alignment of the concrete track by straightening it out in front of the north elevation of the hotel. However, this has meant that the track now terminates at a small roundabout, in the middle of which will be a retained wartime concrete pillbox (scheduled monument). It is therefore considered that whilst the realignment of the track slightly alters the historic track alignment, this is a subservient section of the track (not the main perimeter track around the flying field's perimeter) and also allows for the enhancement of the Scheduled Monument at the end of the new section of track and within a small roundabout. The Scheduled Monument will therefore become a feature in this area and given more prominence. A condition will be imposed to ensure that further details are submitted to ensure the setting of this Scheduled Monument within the new track is preserved (i.e. appropriate surfacing materials).
- 8.55. There is a Scheduled Monument (an air raid shelter and anti-aircraft gun position) to the western boundary of the site which is to be retained. However, the landscaping proposals show this to potentially be obscured by a proposed native hedge which would impact on its setting. This is an opportunity for better revealing the significance of this Scheduled Monument in a similar way to the one to be retained in the new track roundabout to the north-eastern corner of the hotel. Therefore, it is considered reasonable to impose a planning condition for details of the boundary to this Scheduled Monument to be submitted to ensure that it is brought into the development and not obscured.
- 8.56. It should be noted that no works are proposed to the Scheduled Monuments as part of this application.

Archaeology

- 8.57. In respect of archaeology at the site, OCC has confirmed that there are no archaeological constraints to the development and therefore no conditions are required in this respect.

Conclusion

- 8.58. The NPPF states at paragraph 197 that a balanced planning judgement will be required by the planning authority having regard to the scale of any harm or loss and the significance of the heritage assets.
- 8.59. In conclusion, and taking into account the advice in the NPPF, the proposal is considered to cause less than substantial harm to the heritage assets at the site. It cannot be concluded that there is no harm as the erection of a large, modern, new development in such close proximity to the existing technical site will undoubtedly cause a degree of harm. However, officers conclude, that due to the significant improvements that have been made to the design and its careful siting and orientation that the harm caused can be considered to be less than substantial in this case. The mitigation measures that have been put in place are considered to ensure that the significance of the site can still be appreciated and that the historical integrity, character and special interest of the site will not be compromised.
- 8.60. Under paragraph 196 of the NPPF, the authority must consider...'*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'. It is considered that the development of a hotel at RAF Bicester provides substantial public benefit in terms of supporting and securing an optimum use for the wider site, which is financially viable and will ensure the longer-term conservation of the heritage assets on the site.

Highway safety

- 8.61. At the time of writing this committee report, negotiations are still ongoing with highways in relation to some specific matters as they have objected to the application. Their objections relate to:
1. an amendment is required to the site access to accommodate coaches as currently the swept paths at the site entrance for coaches overhang the central island and would hit the bollards and;
 2. clarification that the mitigation measures proposed in the Transport Assessment (TA) relating to the 3 roundabouts on the outer ring road can be carried out in the highway boundary and without detriment to existing pedestrian and cycle infrastructure.
- 8.62. Having discussed these matters with the Highways Officer and the applicant, amended plans have now been submitted to resolve these objections and re-consultation with OCC Highways is being undertaken. It is anticipated that a response will be received from OCC Highways prior to the committee and can be reported in the written updates, or otherwise delegated authority will be requested to officers to resolve any matters still outstanding at that time. There are also some other highways issues that need to be resolved, but these did not constitute objections from Highways. One of the matters still being negotiated relates to a

couple of the planning obligations requested by OCC Highways (this will be explained later in this report under the sub-heading Planning Obligations).

- 8.63. The proposals include a variety of measures in order to provide mitigation for the development to ensure that it is acceptable in terms of highway safety and provides the appropriate level of connections (public transport, pedestrian, cycling) to improve the access to the site by other more sustainable modes of transport. These measures are set out in the following sub-sections for clarity.

Traffic Impact

- 8.64. The application proposes the creation of a new access onto the Buckingham Road to directly serve the new hotel development. Appendix E of the Transport Assessment shows how this is to be laid out. It will consist of a right-hand filter lane into the site and then left-only egress from the site with a junction island to discourage right-hand egress. The design of this is considered to be acceptable to Highways except that it required a slight amendment to cater for coaches entering the site as the swept path analysis plans in the TA show overhanging of the island (first reason for objection set out above, amended plans now submitted). Visibility splays can also be achieved from this access and detailed designs will be established at S278 stage.
- 8.65. The TA has not considered the cumulative impact of the proposal together with the pending application for the new technical site reference 18/01333/F. The TA for this application shows a traffic generation of 182 trips in the AM and 149 trips in the PM which equals 331 two-way trips. However, the TA shows that the junctions on the outer ring road (the 3 nearest roundabouts) are over capacity in the forecast years and so mitigation has been proposed in order to account for these extra trips. The mitigation is set out in Appendix K of the TA and shows widening and elongating of lanes at the nearest 3 roundabouts, however Highways required confirmation that these works can all be carried out in the highway as at present the plans suggest some encroachment onto private land or a detrimental impact on the pedestrian/cycle infrastructure. This is the second reason for objection from highways, but the applicant has submitted amended plans to address this issue.

Car Parking

- 8.66. The amount of car parking proposed is 311 spaces (for staff and guests) of which 30 will be dedicated as disabled spaces, 10 as EV charging spaces, 26 for feature display car parking (including 2 disabled) immediately outside the hotel with 4 spaces to be provided directly outside the aparthotel. The level of car parking is considered to be acceptable to highways as it is considered that hotels rarely operate at above 80% occupancy due to the turnover of rooms and also multiple guests may also arrive using a single car. The level of car parking provided equates to 90.4% (car parking spaces to rooms) which allows for 69 spaces to be used for staff car parking. However, if parking demand were ever to exceed the number provided there is considered to be further space within the site.
- 8.67. A Car Park Management Plan should be included within the Travel Plan to set out how the car parking will be properly managed between staff and guests. This will be subject to a planning condition.

Public Transport

- 8.68. Despite the TA setting out that 73% of people in Bicester travel to work by car, the Highways Officer considers this is not likely to be reflective of staff working at the hotel on lower-paid work, part time and shift work of which a larger proportion are

less likely to own their own car and will therefore require access to the site by other sustainable means. As such the provision of bus stops should be required near the proposed road access which would be 400m north of the existing Caversfield turn bus stops. As part of the pedestrian requirements (set out below), these bus stops could be provided along with the required informal tactile crossing and refuge island at the site access.

- 8.69. At the time of writing the committee report, the justification for these bus stops is being discussed further between the applicant and Highways and it is anticipated that a resolution on this issue can be reported to planning committee.

Pedestrian accessibility

- 8.70. A Toucan pedestrian crossing is proposed around 230m to the south of the proposed access and there will be a 3m wide footway (to operate as a shared footway/cycleway) to the south of the proposed access on the eastern side of Buckingham Road, to connect to the location of the proposed pedestrian crossing.
- 8.71. Highways are requesting the applicant to also provide an informal tactile crossing and pedestrian refuge island within the hatched area for the right-turn lane to provide access to the western side of Buckingham Road from the application site. However, this is another matter that is currently being negotiated with the applicant and an update on this matter is anticipated will be able to be reported to planning committee.

Cycling provision

- 8.72. The level of cycle parking provision (24 spaces) provided is considered to be acceptable and meets the County Council's minimum standards. The proposal includes shower, changing and locker facilities for staff cycling to the site. A condition will be imposed to ensure the cycle provision is secure and covered.

Servicing and Deliveries

- 8.73. Servicing and deliveries are to be undertaken internally towards the rear of the building away from the parking and entrance areas which is considered to be appropriate. It is not considered to be necessary to impose a condition in respect of the hours of deliveries to the site as any activity associated with this would be a considerable distance from any existing residential properties and in any event the amenities of the residents of the hotel itself would be a factor in considering when it is appropriate for deliveries to take place. Therefore, it is considered that this can be controlled via the applicant.

Travel Plan

- 8.74. The Travel Plan currently submitted with the application requires several changes to be made to it however these can be dealt with by the imposition of a planning condition.

Response to Residents' and Parish Council's concerns:

- 8.75. Of the local objections received, many of these relate to concerns regarding highway matters. However, it is considered that with the provision of the mitigation measures set out above, the proposal is not considered to cause detriment to highway safety. Comments are also noted from the Parish Councils, in respect of providing pedestrian access to the north of the application site to connect up to the junction with Stratton Audley. However, as set out by the Highways Officer, the

justification for a footpath to the north of the application is not considered to be reasonable at the current time as there will be limited demand for movements to the north generated by users of the hotel. It would not therefore be considered justified in the context of the NPPF and the CIL Regulation 122 tests at this time but if there is any further development at the Bicester 8 site allocation then this infrastructure may be requested.

- 8.76. Overall, it is considered that the proposals will, subject to re-assessment of the amended plans now submitted by Highways, be sufficient to make the development acceptable and provide the required level of mitigation, together with the planning obligations (set out later in this report).

Landscape and visual amenity

- 8.77. Policy ESD 13 of the CLP Part 1 states that: *'opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows'*.
- 8.78. The proposal for a five-storey hotel on this site needs careful assessment in terms of its potential impact on the landscape and visual amenity of the area due to its scale. The impact of the hotel on the landscape needs to consider views into the site from the surrounding local area, in particular Buckingham Road; views of the hotel from within the site – including the internal avenues and across the airfield and longer distance views of the proposal from beyond the immediate local areas (from local villages etc.). Mitigation can be in the form of its design and siting together with utilising the existing landscaping and proposing new landscaping in order to ensure that the hotel blends into its environment.
- 8.79. The application has been submitted with a Landscape Character and Visual Impact Assessment (LVIA) report and a proposed landscaping plan to support the proposals, both of which have been assessed by the Council's Landscape Architect together with the Arboricultural report submitted with the application. The LVIA has been considered as a generally comprehensive and proportionate document.
- 8.80. In terms of the design and siting of the development, due to the amendments which have been made to the proposal including the reduction in the spread of the form of the hotel resulting in a more compact built form, the use of brick and dark colour tones and its siting adjacent to the C-Type hangar, thereby at an angle to Buckingham Road, it is considered that considerable work has already been done to ensure that the hotel itself blends seamlessly within the landscape. Additional mitigation can be provided by the use of existing and new vegetation proposals as set out below:

Views from Buckingham Road

- 8.81. The Arboricultural report sets out that the 'robust edge' of existing mature landscaping, intended to provide mitigation for the western boundary of the site, indicates that a number of dead elm will need to be removed and so these will need to be replaced by unevenly spaced native trees in order that the robust edge can achieve its full height and spread to mitigate the potential visual harm. There will be some loss of the existing landscape fabric in order to provide the development access gap of 17m, but this will be supplemented with new native planting.

- 8.82. Visibility splays required for highways have not been noted on the plans but may require the loss of existing structural vegetation and therefore greater visual exposure of the development. This can be controlled via a tree removal plan condition.
- 8.83. Strategic planting is proposed adjacent to the car park and north-western side of the hotel in order to provide mitigation over time from views along Buckingham Road. These are positioned in uniform rows at an angle to the road and placed perpendicular and parallel to the hotel. These rows of trees have been placed relative to each other in order to increase the screening effect but without creating large scale planting features that would be out of character with the open airfield character. This is considered to be an appropriate and proportionate response to the landscape mitigation in this area and will provide additional landscape screening to supplement the existing landscaping on the western boundary. However, in order for this screening to be effective, as stated by the Council's Landscape Architect, it needs to be provided with evergreen species for year-round visual cover.

Views from within the site

- 8.84. Views of the proposal from within the technical site will be minimal at ground level due to the siting of the hotel. An important vista of the historical trident form of development at the site is the views along the avenues so the hotel has been specifically sited so as to ensure that it cannot be seen along the avenue that runs parallel to the Buckingham Road. The car parking area will be visible, but this will be softened by the use of low level shrub planting and some areas of earth mounding. A condition will be imposed to request cross sectional details of the earth mounding to ensure that this is proportionate to the car parking areas.
- 8.85. Glimpses of views of the hotel will be visible between the two neighbouring hangers but there are already a significant number of existing trees in this area that will naturally screen the hotel to a considerable degree. The carefully considered improvements that have been made to the form, design and external appearance of the hotel will also enable the hotel to blend in well with its immediate environment.
- 8.86. Views from the watch tower and across the airfield will be uninterrupted by existing or proposed landscaping which is necessary in order to safeguard the historical integrity of the site. The impact on the landscape and visual amenity of the area rests on the careful design of the hotel as set out previously in this report which is considered to be acceptable.

Longer range views towards the site

- 8.87. As set out in the LVIA, the magnitude of change in the landscape would diminish with distance and the intervening screening features. There are considerable field hedges at a lower level with fragments of woodland strips and taller vegetation that has the effect of screening out views towards the airfield. Therefore, it is considered that the impact of the hotel on longer range views are considered to be acceptable.

Ecology

- 8.88. The application site is located in an area designated as a Local Wildlife Site (LWS) which is of county importance due to the presence of Habitats of Principal Importance including Open Mosaic Habitat on Previously Developed Land and Lowland Calcareous Grassland. The application has been submitted with an

Ecological Assessment to support the proposals and has been assessed by the Council's Ecologist.

- 8.89. Policy Bicester 8 of the CLP Part 1 which allocates the site for development purposes, requires the biodiversity of the site to be protected and enhanced and habitats and species surveys (including Great Crested Newt Survey) should be undertaken. Policy ESD10 of the CLP Part 1 also requires due regard to be given to biodiversity and the natural environment and these policies are both supported by national policy in the NPPF. Also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place.
- 8.90. The Council's Ecologist has advised, in assessing the submitted report, that the area of the part of the LWS that is within the application site does not meet the LWS criteria for designation and is not of sufficient quality to be considered as a Habitat of Principal Importance due to the majority of the grassland being close mown, disturbed by car parking and grounds management resulting in a low species richness. It suggests that the interest for which the LWS was designated is in other parts of the Bicester Airfield LWS. It is also noted that this area of grassland in the application site is only likely to decline in quality further in the absence of development.

Grassland

- 8.91. The loss of this grassland habitat is mitigated with the creation of species rich calcareous grassland in the areas surrounding the development – the retained grassland to the west of the site, areas of grassland around the proposed car parking and on the proposed earth mounds. There is a strip of unmown species rich grassland along the western boundary hedge that is considered likely to qualify as Lowland Meadow Habitat of Principal Importance which is proposed to be retained as part of the proposals except for the area of the proposed entrance (mitigated by the proposed new grassland areas). This area of unmown grassland should be protected with appropriate fencing whilst the construction takes place.

Bats

- 8.92. In terms of other species, there are no trees or buildings with potential to support roosting bats within the application site, with the western boundary offering some limited potential for foraging and commuting bats which will be retained as part of the proposals. New tree and shrub planting and hedgerow bolstering will enhance foraging resources for bats and the provision of bat boxes on suitable trees within the application site will provide new roosting opportunities. Any lighting scheme will need to consider the needs of bats utilising hoods and cowls to direct lighting away from the newly created habitats.

Reptiles

- 8.93. In terms of reptiles, other than a small strip of grassland along the western boundary of the site, the vast majority of the site is managed as short mown grassland and as such offers no potential opportunities for this group. As the proposals would have the potential to directly impact upon reptiles during the site clearance and construction operations, it is considered that an appropriate clearance methodology involving habitat manipulation, encouraging reptiles to move into suitable habitats in the wider area will ensure that no reptiles are killed or injured during construction works. Enhancements will be provided through the retention and creation of areas of long species rich grassland.

Birds

- 8.94. In respect of birds, there are some opportunities for nesting birds in the form of a single hedgerow along the application sites western boundary. A single breeding bird survey recorded the presence of a limited range of common and widespread species utilising this hedgerow therefore the site is considered of no particular significance in this respect. All species of birds are afforded general protection whilst nesting and so it is recommended site clearance of hedgerows is undertaken outside of the breeding season or under the supervision of an ecologist to check for breeding birds prior to vegetation removal. The proposals will provide a significant increase in nesting opportunities for birds in the form of tree and shrub planting and hedgerow bolstering with the enhanced grasslands providing enhanced opportunities for ground nesting birds.

Great Crested Newts

- 8.95. In respect of Great Crested Newts, Policy Bicester 8 of the CLP specifically refers to the need for surveys, however the Ecology survey assesses that the application does not provide a suitable habitat for Great Crested Newts as there are no waterbodies within the site or within 500m of the site that are not separated by major barriers to migration. As such the application site is not likely to support this species or any other range of amphibian species.

Conclusion

- 8.96. The proposals are therefore considered to be acceptable in terms of ecology at the site subject to the imposition of appropriate conditions as set out by the Council's Ecologist and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Trees and landscaping

- 8.97. The Arboricultural Report submitted with the application is dated August 2016, before the designs of the hotel were finalised. However, the Arboricultural Officer does not anticipate the removal of many trees to facilitate the development. The only area where existing trees will be affected is the western boundary in order to create the new access. As already set out above under the Landscaping and Visual Impact sub-heading, mitigation will be provided for any trees removed at the new site entrance by replacement tree planting within the development. As recommended by the Arboricultural Officer (and Landscape Architect), conditions will be imposed regarding tree removal, tree protection, replacement planting and an Arboricultural method statement.
- 8.98. In addition to the landscaping proposed in order to aid the screening of the development to minimise its visual impact on the landscape, and the new areas of calcareous grassland, other landscaping is proposed throughout the development. This consists of providing a tree lined entrance to the site which will mimic the tree lined avenues within the existing technical site, low level shrub planting in the car park areas, new trees to the south of the hotel and ornamental trees to the display car park area. There will also be a new native hedge along the western boundary of the main car park and some mounding areas to reduce the visual impact of the car park when viewed from the airfield. More detail will be requested by planning condition in terms of the precise number and types of species to be proposed.
- 8.99. In terms of hard landscaping, the proposals set out a mixture of feature paving, paving, porous paving (car parking areas), vegetated porous paving and porous

road surfacing. However, further details of these materials will be required in order to ensure that the details are appropriate for the development, but these can be required by condition.

Residential amenity

- 8.100. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have a *high standard of amenity for all existing and future users*. This is reflected in Policy ESD 15 of the CLP Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space*.
- 8.101. The nearest residential dwellings are located on the western side of Buckingham Road in Turnpike Road, approximately 58m from the nearest edge of the application site boundary and a further 60m from the nearest corner of the proposed hotel. These residents in Turnpike Road are separated from the application site by the Buckingham Road and also a strip of landscape screening approximately 25m deep. It is therefore considered that they are positioned a sufficient distance away from the development so that it will not cause any detriment to their residential amenity by reason of overlooking or loss of light.
- 8.102. Residents living further north of Turnpike Road (Thompson Drive and its side roads) will be around 20m from the northern point of the application site boundary (nearest property) and in excess of 140m from the nearest part of the hotel which is also considered to be a sufficient distance in order to protect their amenities.
- 8.103. Understandably, residents are concerned about potential issues of light pollution, noise and dust (highways concerns are already addressed in the highways section of this report) however these matters, due to the distance and existing screening to Buckingham Road, are not considered likely to cause any significant detriment. Whilst a lighting scheme has not been formulated yet, this will be a condition of the planning approval and it will be imperative to ensure that the lighting is kept to a minimum, not only from a residential amenity perspective, but from a visual impact perspective and also to ensure that the lighting is proportionate and in keeping with the heritage site.
- 8.104. In respect of noise and dust, a Construction Transport Management Plan will be required to be submitted by condition which will set out conditions that the development will need to meet during the construction phase in order to mitigate the impacts of noise and dust (amongst other matters). It is not considered that the development, being primarily a hotel, will cause significant noise and disturbance to the area although some noise conditions will be imposed in respect of the plant and equipment at the site. A hotel will undoubtedly create more activity to this part of the site than there is at present, but this is not considered will be to a detrimental level.
- 8.105. In this respect, the proposal therefore accords with Government guidance contained within the NPPF and Policy ESD 15 of the CLP Part 1 that requires appropriate standards of amenity and privacy.

Flood risk and Drainage

- 8.106. The application site is located within Flood Zone 1 (low risk) of flooding from fluvial, tidal or groundwater. However, Policy Bicester 8 requires development proposals to consider the Council's Strategic Flood Risk Assessment and as the proposal is a major development, the application has been supported by a Flood Risk

Assessment. A Drainage Strategy and Water Quality Management Report has also been submitted with the application. These reports have been assessed by the Environment Agency, Thames Water and OCC Drainage (Lead Local Flood Authority) as necessary.

- 8.107. The FRA confirms that flooding is low risk, the main risk being from surface water flooding and infrastructure failure, although the surface water risk is largely constrained to the employment site (pending consideration under 18/01333/F). However, an industry standard recommends setting finished floor levels 150mm above ground level to offer a level of protection. A condition will be imposed in any case to require finished floor levels to be submitted (on grounds of visual impact) and so this will also be able to ensure the finished floor levels also meet the minimum level required in the FRA. It should also be noted that the Environment Agency have not objected to the application or raised any issue or suggested any conditions in respect of flooding at the site.
- 8.108. In addition, sustainable urban drainage systems (SUDs) are proposed to deal with surface water drainage at the site. These consist of permeable paving, swale and an underground geo-cellular soakaway. However, infiltration testing has not been carried out at the site and will therefore be required to inform the detailed design. It is also not clear from the application who will be responsible for the maintenance of the SUDs and therefore a SUDs Management and Maintenance Plan will also be required to be submitted.
- 8.109. In terms of water, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development. They therefore recommend conditions regarding water network upgrades and an Infrastructure Phasing Plan to be agreed with them prior to occupation.
- 8.110. In terms of waste water, this is not intended to be discharged into the public sewer and therefore Thames Water has no objections but recommends a condition regarding the emptying of swimming pools.
- 8.111. In respect of foul water, the application form states that it would be the intention to connect to the mains sewer, however Thames Water considers there to be an inability of the existing foul water network infrastructure to accommodate the needs of the development. They therefore request a condition to be imposed for an Infrastructure Phasing Plan to be submitted and agreed with them prior to occupation of the development.

Contamination

- 8.112. The proposals have been submitted with a Phase 1 Land Contamination and Ground Condition report which concludes that the application site is of low risk from contaminants and unlikely that ground conditions or potential pollutant sources would have any significant impact on the condition of the land or the receptors identified, including people.
- 8.113. Notwithstanding the above, the Environment Agency consider that for the proposals to comply with the NPPF, conditions should be imposed in respect of contamination, including a preliminary risk assessment, site investigation, remediation strategy and verification plan and report. A further condition regarding unexpected contamination should also be imposed and this is also recommended by the Council's Environmental Health Officer.

Energy efficiency

- 8.114. Policies ESD1-5 of the CLP Part 1 require development proposals to mitigation the impacts of climate change by providing a reduction in carbon emissions through sustainable construction by using decentralised energy systems and renewable energy.
- 8.115. The Energy Statement submitted with the application proposes the use of a combination of passive, active and green measures to improve energy efficiency and reduce carbon emissions.
- 8.116. The passive measures propose a reduction in space heating demand, exposed high thermal mass building elements and the provision of adequate daylight. Active measures propose heating and ventilation with variable speeds, efficient ventilation, space heating, high heat recovery system, an LED lighting strategy and cooling systems. Green measures propose the implementation of a Combined Heat Pump. Overall, the combination of passive and active measures is expected to result in a 19% improvement in energy demand, while the cumulative CO2 savings will reach 20%.
- 8.117. The Council's Bicester Delivery Team has reviewed the Energy Statement and considers the proposals do not currently meet the policy requirements as there is *"...no commitment to implement these measures. It is also unclear why air source heat pumps are not considered further when they have been shown to be a feasible renewable energy option. The decision not to consider solar PV and solar thermal panels further due to the proximity of an airfield is to be questioned as there are a number of international airports around the world which have solar farms situated adjacent to them."* They go on to state that there is no detail as to how the following has been considered within the proposals, in relation to energy efficiency:
- Siting, orientation, and aspect;
 - How the impact on the external environment will be reduced through the provision of cooling and shading opportunities, use of open space, and planting;
 - How the sustainable and local sourcing of construction materials has been considered;
 - How the use of the embodied energy within buildings and re-using of materials has been considered;
 - How recycled materials may be used in construction;
 - How BREEAM Very Good is to be achieved.
- 8.118. The applicants have therefore been asked to provide further detail and submit a revised Energy Statement. It is hoped that this can be resolved prior to planning committee, but if this cannot be resolved in time then officers will request delegated authority from Members to resolve this issue or consider whether this can be controlled through the imposition of a planning condition.
- 8.119. It should be noted that, whilst it is clearly important to ensure compliance with Policies ESD1-5, the energy proposals need to be balanced against the heritage context of the development to ensure that all proposals are appropriate to its surroundings and will not adversely impact on the heritage assets and this will be a matter that Officers will ensure is confirmed through a revised Energy Statement.

Planning Obligations

- 8.120. As set out in the Highways section, OCC Highways have requested the applicant to contribute the following S106 contributions as a result of the development:

- Strategic transport contribution (£607,103) (still to be agreed)
- Public transport infrastructure – 2 x bus stops (£2,180) (still to be agreed)
- Traffic Regulation Order (£5,200)
- Travel Plan Monitoring (£2,040)
- An obligation to enter into a S278 agreement
- S106 monitoring fees

8.121. A contribution towards Strategic Transport is required in accordance with the Local Transport Plan 4 Bicester Area Strategy Policy BIC 1 scheme which requires upgrading of the A4421 to a dual carriageway between Buckingham Road and Gavray Drive and the contribution would be used towards the Eastern Perimeter Route, Skimmingdish Lane section. Currently the contribution required has been based on another site at Wretchwick Green (a mixed use site) and a formula calculated using the number of trips likely to be generated from that development compared to this proposal. This amount is still being negotiated and therefore not agreed.

8.122. The provision of 2 bus stops is considered necessary due to the potential for a significant number of staff at the hotel to require access to the site by other sustainable means and to improve connections to the site. There are however already two bus stops near the main entrance to the Bicester Heritage site and it is understood that the new bus stops would be around 400m from the existing bus stops. This is still being negotiated and therefore not agreed.

8.123. In respect of the other S106 obligations requested, the changes to the Traffic Regulation Order are considered necessary in order to make the development acceptable in terms of highway safety by reducing the speed limit on Buckingham Road and providing signage regarding a left egress only from the new access to the development. A contribution is also required towards the monitoring of the Travel Plan biennial over a period of 5 years to ensure that it remains up to date. S106 monitoring fees would also be required.

8.124. OCC considers all these of these contributions are required in order to make the development acceptable in planning terms and that they are all justified and compliant with CIL Regulation 122. At the time of writing the committee report, these contributions have not all been agreed to by the applicant and it is understood that the applicant is currently liaising with OCC about these Heads of Terms, in particular, the Strategic Transport contribution and the provision of bus stops. It is hoped that an update on these discussions will be able to be provided to Members at the Committee.

8.125. The Bicester Delivery Team have also requested that the applicant provide for a level of construction apprenticeships as part of the development to be secured by S106 clauses. However, Officers are looking into whether this can be adequately secured via a planning condition rather than the S106.

9. PLANNING BALANCE AND CONCLUSION

9.1. The application proposes the erection of a new 5 storey hotel on the Bicester Heritage site, a nationally significant airfield dating from the inter-war period. Whilst the Council has considered through the Planning Brief 2009 and the Cherwell Local Plan Policy Bicester 8 that there is scope for new development at the site, and in particular a new hotel, it has been critical to ensure that this development is 'conservation-led'.

9.2. The amended submission is considered to meet this objective by proposing a new hotel of high-quality design whilst respectful of its historic context. By creating a

crisper but functional designed building with an understated elegance of many interwar airfield buildings, it fits in with the existing pattern of development at this important site and is reflective of the buildings on the site, in particular the hangars, in terms of its form and massing and use of materials. Whilst it is acknowledged that the proposal is considered to cause less than substantial harm to the heritage assets at the site, this is considered to be outweighed by the public benefits derived from the proposal in terms of finding an economically viable use for this part of the site and providing many economic benefits to Bicester and the District.

- 9.3. The proposal is not considered to cause harm to highway safety due to the mitigation measures provided, subject to agreement in respect to the requested planning obligations. Mitigation measures are proposed in relation to landscaping and visual Impact, trees, ecology, flood risk and drainage together with the imposition of conditions relating to various matters and also contamination and energy efficiency. The proposals are not considered to cause any detriment to the amenities of neighbouring residents.
- 9.4. The proposal is therefore considered to comply with the relevant policies of the Development Plan set out in the report, specifically Policy Bicester 8 and the National Planning Policy Framework.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. continuing negotiations in respect of the highways infrastructure, in particular the strategic transport contribution and the provision of bus stops;
2. in the event that the highways infrastructure contributions are not resolved satisfactorily then the application will be reported back to committee with a revised recommendation
3. to receive and review an amended energy statement either prior to determination or via a planning condition
4. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).
5. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set out below;
 - Strategic Transport Contribution in connection with Policy BIC 1 of the Local Transport Plan 4 in respect of the dualling of the eastern perimeter route and Skimmingdish Lane section (amount to be agreed);
 - £2,180 for Public Transport Infrastructure – for 2 x bus stop flags and case units (to be agreed);
 - £5,200 for an amendment to the Traffic Regulation Order for a reduction in the speed limit on Buckingham Road and a mandatory left-turn egress from the hotel entrance;
 - £2,040 for Travel Plan monitoring
 - An obligation to enter into a S278 agreement with Highways
 - S106 Monitoring fees

Conditions:

General

1. Time limit – 3 years
2. Approved plans
3. Restriction of let of aparthotel rooms to a maximum of 1 month

Design

4. *Finish floor levels (on grounds of visual impact and surface water flooding mitigation)
5. *Schedule of materials (including samples)
6. *Architectural detailing
7. *Further details of the expanded wire mesh cladding
8. Details as to how the Scheduled Monument on the western boundary will be better revealed and its boundary treatment and also how the northern Scheduled Monument will be preserved within the newly created area of track
9. Boundary treatment (if required) details to be submitted
10. Details of the design of the roof screen to the plant and equipment area on the roof
11. Lighting strategy which also must take into account the recommendations in the ecology assessment and to minimise light pollution
12. Signage strategy

Trees and Landscaping

13. Landscaping scheme – hard and soft details – evergreen species, tree pit detailing
14. Landscape Management and Maintenance Plan
15. *Tree removal plan
16. *Tree protection plan
17. *Grassland protection plan
18. *Arboricultural method statement
19. Replacement planting
20. Earth mounding – cross sections

Highways:

21. *Construction Travel Management Plan (CTMP)
22. Cycle parking – secure and covered
23. Parking and manoeuvring details
24. *New access details
25. Amendments to Travel Plan – including Car Parking Management Plan
26. *Details of the realignment and surfacing of the existing track

Drainage

27. *Surface Water Drainage Strategy and SUDs management and maintenance
28. Waste water – relating to the emptying of the swimming pool
29. Foul water to address capacity issue – Infrastructure Phasing Plan
30. Water network upgrades or Infrastructure Phasing Plan – for water

Contamination

31. *Contamination – including a preliminary risk assessment, site investigation, remediation strategy and verification plan
32. Verification report and long-term monitoring and maintenance plan – no

- occupation
33. Unexpected contamination not previously identified, require development to stop and submit a remediation strategy

Energy Efficiency

34. The development should meet BREEAM 'Very Good' rating

Noise:

35. *Plant and machinery
36. *Noise – acoustic enclosure
37. *Construction Environment Management Plan (CEMP)

Economic:

38. Employment and Skills and Training Plan
39. Construction apprenticeships

Ecology

40. Accord with survey
41. *Landscape and Ecological Management Plan
42. *Reptile mitigation strategy

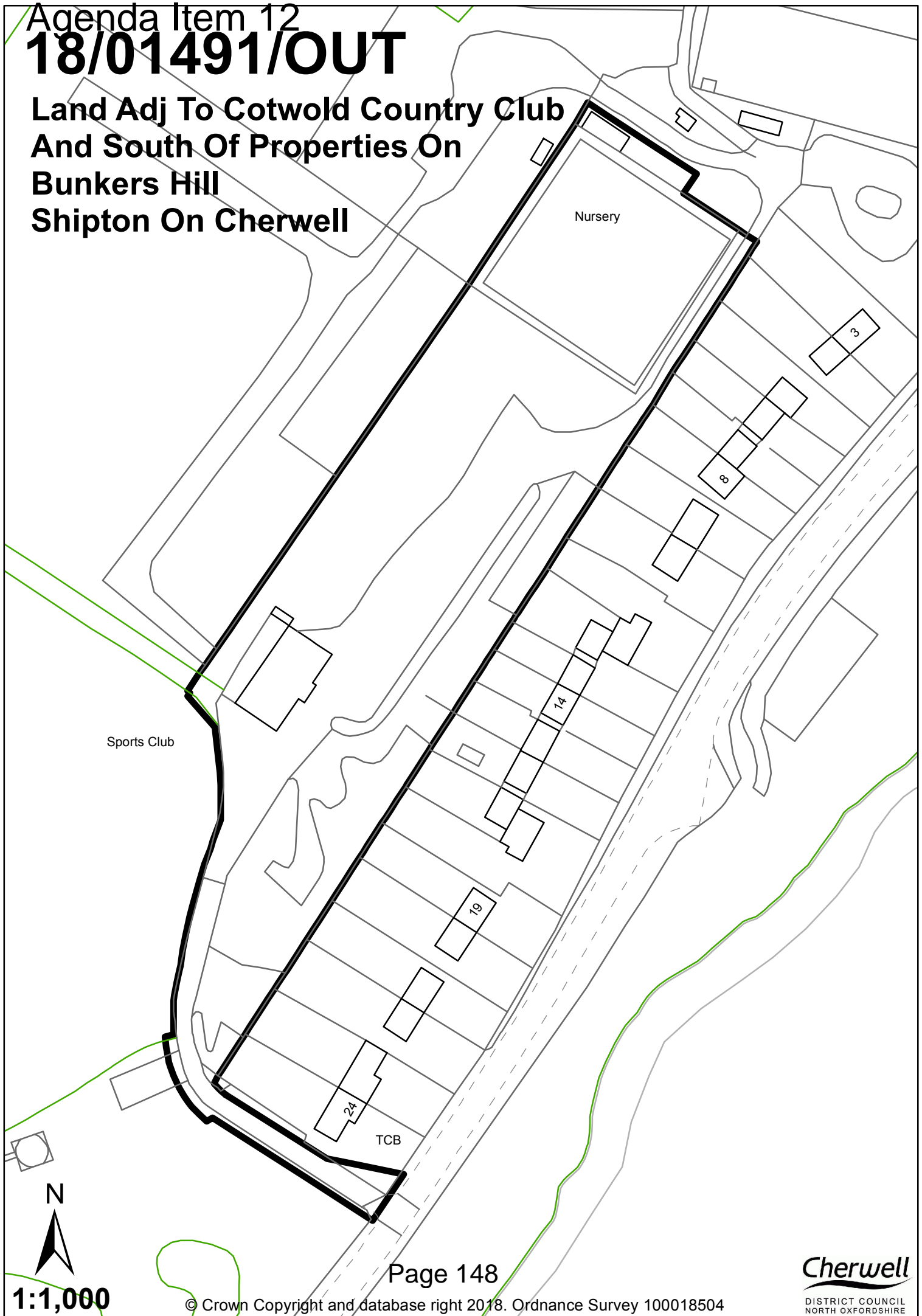
(* Approval will be required from the applicant for the conditions shown with an asterisk which at the time of writing the report are anticipated likely to need to be pre-commencement conditions)

Informatives:

1. EA advice – site investigations to include ground water sampling in order to check for underground fuel storage and any potential leaks associated with this.
2. Thames Water – advice regarding easements, wayleaves and waste water.
3. Architectural detailing – to include window depths and reveals; window detailing; wall finishes and colours; detail of the curved feature corner and eaves treatment details
4. In respect of Condition 13 – hard landscaping proposals should ensure that a matching concrete is used for the realignment of the track.

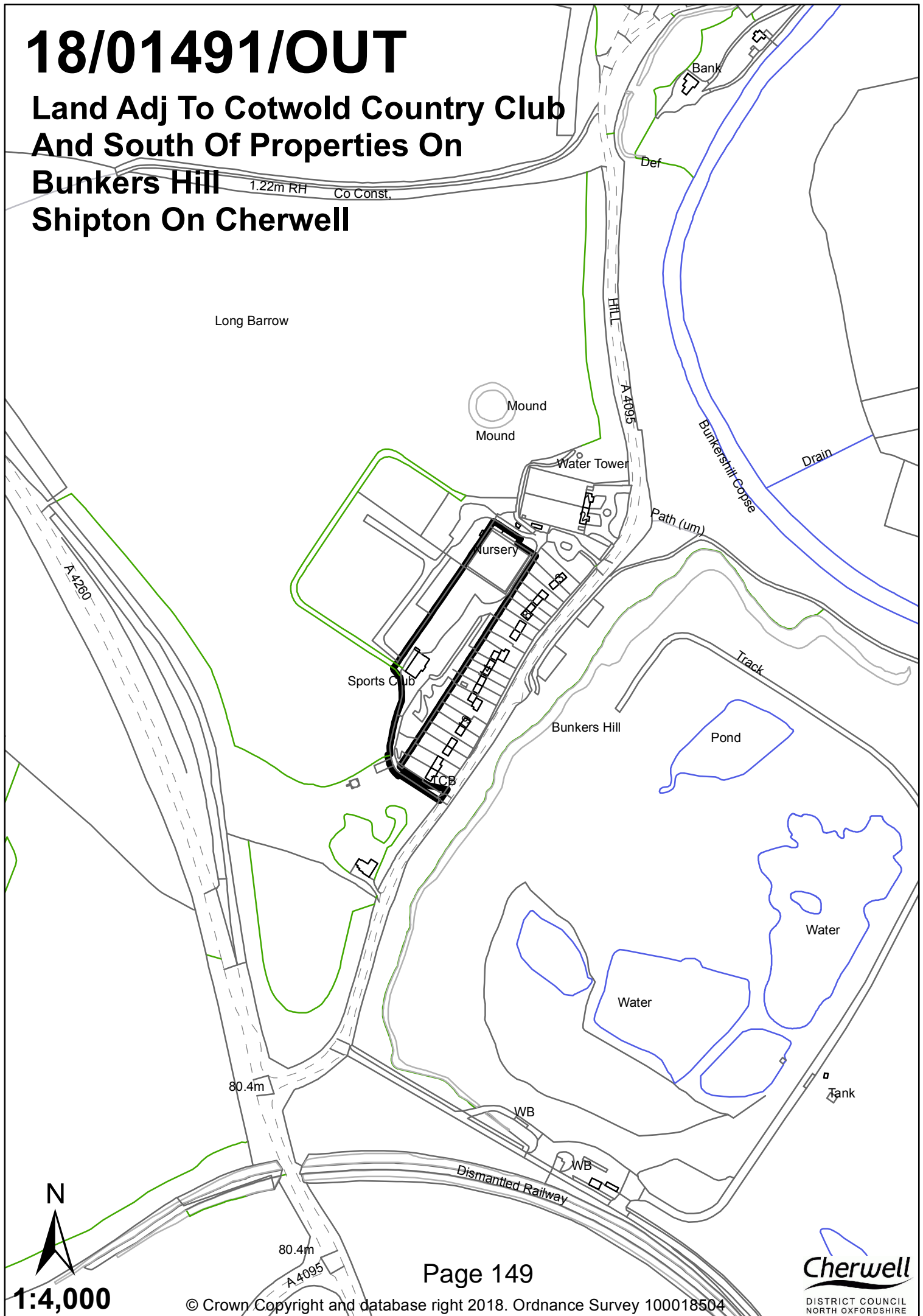
Agenda Item 12
18/01491/OUT

**Land Adj To Cotwold Country Club
And South Of Properties On
Bunkers Hill
Shipton On Cherwell**



18/01491/OUT

Land Adj To Cotwold Country Club
And South Of Properties On
Bunkers Hill
Shipton On Cherwell



**Land Adj To Cotwold Country Club And South Of
Properties On
Bunkers Hill
Shipton On Cherwell**

18/01491/OUT

Applicant: Keble Homes Limited

Proposal: OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10 no. dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: *Major application*

Expiry Date: 19 November 2018 **Committee Date:** 25 October 2018

Recommendation: Approve subject to legal agreement

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Outline permission is sought for the demolition of a single storey Club building and other miscellaneous structures associated with a disused bowling green and the erection of ten dwellings. Improvements to the access road and onto the highway are also proposed.

Consultations

No objections received from any statutory or non-statutory consultees

5 Letters of **objection** have been received.

Planning Policy

The application site is located within open countryside. It is situated within a minerals consultation area and there are records of numerous notable and protected species within 250m of the site.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Principle of Development;
- Impact on the visual amenities of the area
- Highway safety
- Impact on neighbouring properties amenity

- Ecology

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS AND COMPLETION OF LEGAL AGREEMENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1 The site is located to the rear of a row of dwellings which front onto the A4095 and comprises an area of hardstanding, former Club building and a disused bowling green and associated changing rooms and maintenance shed. Access to the highway is via a narrow track onto the A4095 at the western end of the site. The site is bounded to the north and west by countryside and to the east by an established nursery/garden centre.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Outline consent is sought for the demolition of the Club building and other miscellaneous structures associated with the bowling green and the erection of ten dwellings. Improvements to the access are also proposed.

2.2. The only matters to be considered under this application are the principle and means of access. Appearance, landscaping, layout and scale are reserved for subsequent approval.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
14/01565/OUT	Outline - Development of eight houses and access improvements	Application Refused
14/02132/OUT	Outline - Development of eight houses and access improvements.	Application Permitted
17/02148/OUT	OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10no dwellings and access improvements	Application Refused
17/00079/SO	Screening opinion to 17/02148/OUT - OUTLINE - Demolition of existing club	Screening Opinion not

	house, bowling club pavilion and ancillary store. Erection of 10no dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.	requesting EIA
18/01491/OUT	OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10 no. dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.	Pending Decision
18/00068/SO	OUTLINE to 18/01491/OUT - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10no dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.	Screening Opinion not requesting EIA

- 3.2 Planning permission was refused in December 2014 under application 14/01565/OUT for the development of eight houses and access improvements. The application was refused as the development was considered to represent development within the countryside which could not be justified on the basis of an identified need. It was considered to constitute unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development was considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.
- 3.3 Planning permission was refused in May 2018 under application 17/02148/OUT for the erection of 10 dwellings and access improvements. The application was refused as the development was considered to represent development within the countryside which could not be justified on the basis of an identified need. It was considered to constitute unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development was considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car. In addition it was determined that a safe access had not been demonstrated and its use would cause increased hazard and be of detriment to the safety and convenience of other road users.
- 3.4 In addition planning permission was refused under application 12/01271/F in 2012 and dismissed at appeal in September 2013 on a neighbouring site for the

demolition of existing car repair buildings and construction of 3 dwellings. The Planning Inspector considered that the development comprised unsustainable development in open countryside contrary to national and local policy.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 04.10.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. The issues raised by third parties are summarised as follows:

- Unsustainable location
- Contrary to planning policies and guidance
- 106 benefits
- Land ownership
- Lack of local amenities
- Increase in traffic
- Highway and pedestrian safety
- Adequacy of LAP
- Sewerage
- Loss of vegetation
- Impact on wildlife
- Impact on airport
- Additional land promised for recreational use not shown

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. SHIPTON ON CHERWELL AND THRUPP PARISH COUNCIL: **No comment to date**

STATUTORY CONSULTEES

6.3. LOCAL HIGHWAY AUTHORITY: **No objection**. OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement, and depending on whether the applicant intends to offer some or all of the proposed access road to the development for adoption, a S38 agreement to mitigate the impact of the development plus planning conditions and informative notes relating to access details, visibility splays, road construction, vehicle tracking, drainage and the submission of a construction traffic management plan.

6.4. OCC DRAINAGE: **No comment to date**

6.5. OXFORDSHIRE COUNTY COUNCIL:

Archaeology – **No objection** subject to conditions relating to the preparation of an Archaeological Written Scheme of Investigation and the carrying out of a staged programme of archaeological evaluation and mitigation.

Minerals and Waste – **Comments** that the application site is in close proximity to an operational quarry and waste management facility (Shipton-on-Cherwell quarry). This should be taken into consideration in the siting and design of the proposed dwellings and any appropriate mitigation measures put in place, in particular regarding noise, to ensure that the operation of the quarry and waste management facility is not prejudiced by the proposed development.

6.6 ENVIRONMENT AGENCY: **No comment to date**

6.7 THAMES WATER: **Comment** that the planning application proposal sets out that Foul Waters will NOT be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future then we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position.

With regard to surface water drainage, there are no objections if the developer follows the sequential approach to the disposal of surface water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

With regard to water infrastructure capacity there are no objections to the planning application.

6.8 NATURAL ENGLAND: **No objection**

6.9 THAMES VALLEY POLICE: **No objections** but comments on the detail of the proposal and considers some aspects of the proposals to be problematic in crime prevention design terms.

NON-STATUTORY CONSULTTEES

6.10. CDC PLANNING POLICY: **No comment to date**

6.11. CDC BUSINESS SUPPORT: **Comments** that it is estimated that this development has the potential to attract New Homes Bonus of £48,000 over 4 years under current arrangements for the Council.

6.12. CDC ECOLOGY: **Comments** that the submitted Ecological survey and report are fine and the recommendations within it can be referenced. There is little of ecological concern on site and off site impacts are relatively unlikely. In order to avoid a net loss for biodiversity on site in line with local policy and national guidance it is recommended that a scheme of biodiversity enhancements is produced. Whilst the area is of relatively low ecological value the development will result in the loss of open space and the design of the site should mitigate for any loss of opportunity for wildlife and produce an overall net gain. An enhancement scheme should include measures both within landscaping and within the built environment – wildlife friendly planting with native fruit or berry bearing species, planting to attract insects, hedgehog passes through all fences, areas of wildflower grassland or landscaping

managed for wildlife benefit, bat tubes and bird boxes (to include swift bricks given adjacent records) *integrated* into the fabric of new dwellings. If consent is granted conditions are recommended to secure the above.

6.13. CDC ENVIRONMENTAL PROTECTION: **No comment to date**

6.14. CDC WASTE AND RECYCLING: **No comment to date**

6.15. CDC RECREATION AND LEISURE: **No comment to date**

6.16 CDC LANDSCAPE SERVICES: **No objection** to the proposal on landscape and visual impact grounds. Further detail regarding the LAP and site planting at reserved matters stage will be required.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC10: Protection of open space outdoor sport and recreation uses
- ESD1: Mitigating and adapting to climate change
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local landscape protection and enhancement
- ESD15 : The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of the development
- Impact on the visual amenities of the area
- Highway safety
- Impact on neighbouring properties amenity
- Ecology
- Other issues

Principle of the development

- 8.2. The Development Plan for Cherwell District comprises the Cherwell Local Plan 2011-2031 and saved policies in the Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3. The NPPF introduces a presumption in favour of sustainable development. It advises that proposals that accord with the development plan should be approved without delay. To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para 8). The NPPF does not change the statutory status of the development as the starting point for decision making.
- 8.4. The site in question is not allocated for development in any adopted or draft plan currently forming or proposed to form part of the Development Plan. It is located to the north of a single row of 24 dwellings isolated from any settlement. It is considered to represent sporadic development in the countryside and this view is supported by the Inspector for the appeal on the adjacent site (ref. 12/01271/F).
- 8.5. Saved Policy H18 of the Cherwell Local Plan 1996 restricts new dwellings beyond the built up limits of settlements in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specific housing need that cannot be met elsewhere. The development proposed fails to comply with this policy and in doing so also potentially conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside, which includes new housing development, in the interests of sustainability and to protect the character and amenity of the countryside.
- 8.6. The Cherwell Local Plan 2011-2031 and the saved policies within the Cherwell Local Plan 1996 are considered up-to-date. The NPPF advises that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.
- 8.7. Paragraph 78 of the NPPF states that to promote sustainable development housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. The proposed development would lead to an increase in the number of dwellings and residents at Bunkers Hill. The lack of local services is such that, while there is a bus service nearby, residents would be mainly reliant on cars for trips to day-to-day services and facilities, including employment, education, medical services and shopping. It is unlikely that 10 additional dwellings would generate

additional services in Bunkers Hill. It is therefore considered to be an unsustainable location contrary to paragraph 78.

8.8 Notwithstanding the above a further material consideration is the extant outline planning permission for 8 dwellings on the site granted, under application 14/02132/OUT, in April 2016. Officers recommended refusal of the scheme as it was considered to represent development within the countryside and constituted unsustainable, new build residential development in a rural location divorced from established centres of population, not well served by public transport and reliant on the use of the private car. It was considered to be contrary to saved Policies H18 and C8, of the Cherwell Local Plan 1996, Policy Villages 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the National Planning Policy Framework. Members, however, considered that the public benefits put forward as part of the application outweighed the adverse impacts of the development and the application was approved.

8.9 The benefits put forward in the legal agreement were as follows:

- Contribution towards off-site provision of affordable housing - £40,000
- LAP and commuted sum towards maintenance
- Sewage treatment facility and 20 year service contract
- New mains fed water supply
- Provision of a community building and £10,000 towards maintenance
- Demolition of the obsolete water tower

8.10 With the exception of the LAP and commuted sum towards maintenance, none of the contributions were necessary to make the development acceptable.

8.11 At the time Members considered the proposal and resolved to make a decision on the application, the Cherwell Local Plan 2011-2031 had not been adopted. Prior to the issuing of the decision, caused by a delay in completing the legal agreement, the Cherwell Local Plan 2011-2031 was adopted. It was not considered necessary to report the application back to Members following the policy change as they considered that the benefits offered significantly and demonstrably outweighed the harm the development would cause. However, it is now necessary to consider the proposed development in the light of the adopted Cherwell Local Plan.

8.12 The development now proposed comprises the demolition of the existing buildings on the site and the erection of 10 dwellings on the site. The benefits put forward by the applicant to support the current proposal are as follows:

- Provision of a LAP on the site with a commuted sum for maintenance
- Contribution towards Shipton-on-Cherwell Millennium Hall
- Contribution to OCC towards increasing frequency of buses on A4260
- New bus stop flag and timetable signage on the A4260
- Contribution towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/de-restricted speed limit on the A4095 Bunkers Hill from its current location immediately south of the proposed access to a point 50m southwards.
- Sewage treatment facility and 20 yr service contract
- New mains fed water supply
- Demolition of water tower
- Contributions towards off-site indoor and outdoor sports facilities
- Contribution towards off-site provision of affordable housing - £50,000

- 8.13 The indicative drawings and the applicant's planning statement submitted with this planning application suggest that the dwellings are to be considerably smaller than the eight approved under application 14/02132/OUT. However, it is considered that whilst there is a reduction in floor area with the current scheme additional dwellings could result in more residents and more vehicle movements in an unsustainable location.
- 8.14 The applicant has offered to meet most of the benefits of the previous scheme set out in the legal agreement but without the provision of a community building on the site. However, they have advised that they are willing to contribute towards off-site affordable housing, increasing frequency of buses on A4260, a new bus stop flag and timetable signage on the A4260 and towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/derestricted speed limit on the A4095 Bunkers Hill from its current location immediately south of the proposed access to a point 50m southwards. They have also agreed to contribute towards off-site sports facilities and towards Shipton on Cherwell Millennium Hall.
- 8.15 The previously proposed community building on the site was offered by the applicant to serve, *"multiple purposes encouraging the residents of the existing and proposed dwellings to reduce the amount of vehicular movements and to increase the sustainability of the community"*. The proposal was that the building would be used as a home office/business centre with desks and IT facilities and during the evenings and at weekends the building would be used for meetings/parties/youth club/local events. The applicant's agent stated under application 17/02148/OUT that a facility such as this is not needed, not wanted by the residents of Bunkers Hill and is not justified for c. 30 houses, nor viable going forwards. Officers at that time considered this view to be reasonable, particularly with an agreement to provide a contribution towards the nearby Shipton on Cherwell Millennium Hall.
- 8.16 The Council's Recreation and Leisure Team sought contributions towards off-site sports and recreation facilities at Stratfield Brake and Kidlington Leisure Centre under application 17/02148/OUT. These were not sought under the previous application (14/2132/OUT). Justification for the contributions sought for enhancing the outdoor sport facilities at Stratfield Brake (in the region of £11,394.33) and for enhancing the indoor sports facilities at Kidlington Leisure Centre (in the region of £7,683.60) is set out in the emerging Sports Studies that the Council is currently preparing, supported by the Council's policies on health and well-being. The adopted Developer Contributions Supplementary Planning Document sets out at paragraphs 4.108 and 4.126 that where the development falls below the threshold, financial contributions will be sought for either off-site provision or the improvement/upgrading of existing facilities where appropriate schemes have been identified. However, it is not clear whether the requirement for the contributions is compliant with the Community Infrastructure Levy Regulations 2010 and in particular paragraph 123 which restricts the seeking of planning obligations where there have already been five or more planning obligations entered into with the authority providing for the provision or funding of the same infrastructure project or type of infrastructure.
- 8.17 The contribution towards affordable housing was not required previously as the development fell below the threshold of 11 units or more. However, the applicant offered this sum to give more weight to the public benefits of the development to try to outweigh the harm that the development would cause. The current proposal, with 10 units, still falls below the threshold where the Council could seek any affordable dwellings on the site or off-site contributions towards their provision. Members took this public benefit into consideration when weighing up the benefits of the previous application for 8 dwellings and judged that along with the other benefits offered as a

package the harm caused was outweighed by those benefits and granted planning permission.

8.18 The additional requirements from OCC for public transport improvements would mitigate to a limited extent the fact that the development is in an unsustainable location. The contributions towards off-site sports (indoor and outdoor) along with the contribution towards off-site community facilities (rather than an on-site community building potentially used by fewer people) also offer wider public benefits. However, the application includes two additional dwellings and is therefore a different proposal to that approved under 14/02132/OUT.

8.19 In your officers' opinion, while a contribution towards affordable housing is not required due to the number of units proposed, for the package of benefits to be comparable to 14/02132/OUT some provision for affordable housing should be made. As this is now being offered, and given the previous approval on the site which could still be taken forward with the submission of a Reserved Matters Application until April 2019, Members will need to consider whether the benefits of the development to the local residents and wider population, set out above at paragraph 8.15, are sufficient to outweigh the harm that the development would cause to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

Impact on visual amenities of area

8.19 The proposed development would not have a significant impact on the visual amenities of the area. It is well screened in public views due to the location of the existing dwellings and the vegetation in the surrounding vicinity. There is a footpath to the north west of the site but this is some distance from the application site and views into the site would not be significant.

Highway safety

8.20 The Local Highway Authority (LHA) has advised that it would have no objection to the proposal and their objections to the previous application could be overcome subject to:

- conditions relating to details of the access and visibility splays, construction specification of the estate road, drainage, provision of turning for refuse vehicles, and a the agreement of a Construction Traffic Management Plan;
- legal agreements relating to works within the highway; and
- financial contributions towards improving public transport services and infrastructure.

Impact on the living amenities of neighbouring dwellings

8.21 The proposed development is in outline with appearance, landscaping and layout reserved for consideration at a later date. However, it is considered that if permission were to be granted a layout could be produced that did not result in any unacceptable overlooking of private amenity space or habitable room windows, loss of light or overshadowing of the existing properties. The location of the proposed access into the site and the use for up to 10 dwellings will not result in a significant level of disturbance to the neighbouring properties adjoining the access.

Ecology

8.22 Paragraph 99 of Circular 06/05 states that: "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: "every public authority must in exercising its functions, have regard...to the purpose of conserving (including restoring/enhancing) biodiversity".

8.23 The Council's Ecologist has advised that there is little of ecological concern on site and any off site impacts are relatively unlikely. However in order to avoid a net loss for biodiversity on site in line with local policy and national guidance it is recommended that a scheme of biodiversity enhancements is produced. Whilst the area is of relatively low ecological value the development will result in the loss of open space and the design of the site should mitigate for any loss of opportunity for wildlife and produce an overall net gain. An enhancement scheme should include measures both within landscaping and within the built environment – wildlife friendly planting with native fruit or berry bearing species, planting to attract insects, hedgehog passes through all fences, areas of wildflower grassland or landscaping managed for wildlife benefit, bat tubes and bird boxes (to include swift bricks given adjacent records) *integrated* into the fabric of new dwellings. Conditions are recommended below to secure these enhancements.

Planning Obligations

8.24 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. New development often creates a need for additional infrastructure or improved community services and facilities without which there could be a detrimental effect on local amenity, service provision, and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for or contribute towards the cost of all or part of the additional infrastructure/services necessary to make the development acceptable. Obligations are the mechanism to secure these measures.

8.25 In respect of planning obligations the NPPF advises at paragraph 56 that these should only be sought where they meet all the following tests:

- Necessary to make development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in kind and scale to the development.

8.26 Having regard to the above the following contributions would be sought in the event that planning permission was to be granted:

- Public transport improvements

The s106 agreement for the previous outline consent did not seek contributions towards public transport improvements. Contributions towards increase in frequency of the bus service, provision of a bus stop flag sign and timetable information as well as a contribution towards relocating the 30mph sign 50m to the south have been requested following the consultation response from Oxfordshire County Council.

The contributions are directly related to the development because the bus stops on the A4260 are one of the few amenities that residents would be able to access on foot without walking on the mainline carriageway of two strategic distributor roads. The development is located in an area with no other amenities or services. Therefore, this bus service would be the only means that residents who did not have the use of a car would be able to get to and from the development safely. In addition the timetable information and flagpole will make the bus stop on the north bound side of the A4260 more easily identifiable and make the information more accessible. It is in accordance with the policy set out in paragraph 23 of Oxfordshire County Council's bus strategy for connector transit routes, which is to "protect and improve the commercial viability (of connector transit services) through infrastructure and service enhancements such as improving bus stops and hubs." The relocation of the speed limit sign would reduce traffic speeds on this road in the vicinity of the proposed development, thereby reducing the likelihood of collisions brought about by excessive vehicle speeds. Therefore, this TRO, if applied successfully, would help provide safe and suitable access to the development in accordance with the National Planning Policy Framework.

- Millennium Hall at Shipton-on-Cherwell

Rather than providing a community building on the site, which in reality is only likely to be used by residents of Bunkers Hill, a contribution is sought towards enabling the existing hall in Shipton on Cherwell to accommodate the increase in capacity.

- Local Area of Play (LAP)

A LAP is required to be provided on site along with a contribution for maintenance by the Council/Parish Council.

- Off-site sports facilities

Contributions towards off-site sports facilities are sought to improve facilities at Stratfield Brake and Kidlington Leisure Centre in line with the emerging Sports Studies that the Council is currently preparing, supported by the Council's policies on health and well-being.

8.27 In addition to the above the applicant for the current application has advised that they would provide the following benefits:

- Improvements to the junction with the highway and access road

The improvements to the access, as indicated on drawing no. 392/17/PL1002K, would undoubtedly improve the existing situation. The access is currently well below the required standards with poor visibility to the north east and the width of the existing track is very narrow with no passing places. However, as part of any new development this would need to be upgraded to ensure that the scheme met the necessary highway safety standards resulting from increased traffic generation. It would therefore make the development acceptable, rather than constitute a net benefit. The permission for the replacement of the clubhouse in 2005 (04/02551/F) did not, however, require works to the access and junction with the highway.

- Improvements to the water supply

The existing dwellings and clubhouse at Bunkers Hill are served by a private distribution system which at the time of the previous consent involved mains

water being piped to a holding tank at the northern end of the site and then pumped to the individual properties. The site was originally served by a mains-fed water tower which is no longer used as it became contaminated. The overflow tank for the water tower was then used to hold the mains water prior to distribution to the individual properties. This also became contaminated and the Management Company approached Thames Water about the individual properties being directly connected to the mains. A temporary tank was fitted and a Bunkers Hill resident has advised that this is no longer used as contamination was found in the tank whenever Thames water had a problem with the main at Shipton. The 27 properties are now supplied by a direct connection to a 50 mm pipe from Shipton-on-Cherwell that runs through the old Shipton quarry connected to booster pumps at Bunkers Hill. It is not known whether the existing piped supply is sufficient to serve a further 10 dwellings but it is likely that the supply will need to be upgraded.

In your officer's opinion it is not necessary to allow development in an unsustainable location to pay for the connection of the existing dwellings directly to mains water but it is desirable for the residents of those properties. The Council's Environmental Health Department has not been informed of any contamination issues with the existing supply.

- Sewage disposal facilities

The existing on-site sewage treatment plans and facility is relatively old and the applicant is offering that if permission is granted a new treatment plant will be funded and installed to serve all of the Bunkers Hill properties. Whilst the existing residents may welcome the replacement of the facility it is not a matter that will be of wider public benefit and the existing residents occupy the dwellings in the knowledge that they have a private treatment facility to maintain.

- Demolition of the water tower

The water tower is in a state of disrepair and it will require attention in the future to either demolish or make safe. However, it is not prominent in public views as it is surrounded by mature trees which screen it and it does not significantly detract from the visual amenities of the area. Its demolition is not considered to be of great benefit to the wider public.

- Off-site affordable housing

The applicant is proposing to make a contribution towards off-site affordable housing provision if permission is granted. Whilst there is a need for more affordable housing within the district there is no current policy position for requiring affordable housing provision within the site and it is not in an accessible location to meet the affordable housing needs of nearby villages. A contribution towards off-site provision is therefore the most suitable. Government Guidance states that affordable housing should be sought from developments of more than 10 dwellings. Therefore a contribution towards affordable housing cannot be sought here as the development is for 10 units.

8.28 Whilst the majority of the foregoing are benefits, and therefore material to the consideration of the application, others are not, and some of the benefits would in reality merely make the development acceptable rather than provide net benefit. Officers remain to be convinced that they outweigh the harm arising from the provision of housing isolated from any settlement. However, given the extant consent on the site for eight dwellings, which could be implemented, Members will

need to consider whether the benefits set out above, are sufficient to outweigh the harm caused by an additional two dwellings.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. Whilst there will be an economic benefit provided by the construction of the proposed dwellings, sourcing materials through local building suppliers and future maintenance by local tradespeople along with the use of local services and facilities by future residents which will help to support services and shops etc. it should be noted that employment opportunities within the village and the immediate area are very limited. In sustainability terms therefore, the long term economic benefits of the development are tempered.
- 9.3 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. Whilst the applicant is offering to provide benefits for the existing residents in Bunkers Hill (such as an improved sewerage system, water supply and access) and for those using Shipton on Cherwell Millennium Hall along with the sports facilities at Stratfield Brake and Kidlington Leisure Centre, it has been acknowledged in a previous appeal decision for housing on an adjacent site that it is a relatively unsustainable location to accommodate additional housing growth. This in your officers' view reduces the weight that can be afforded to the social benefits of the scheme.
- 9.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built environment. These issues have been covered in the sections above. The development is considered to result in development in the countryside which is prejudicial to the aims of both national and local policy to protect the countryside and focus development in areas that will contribute to the general aims of reducing the need to travel by private car.
- 9.5 Notwithstanding the above, planning permission has been granted for 8 dwellings on the site, which can still be implemented. A package of benefits very similar to that put forward under the current application was considered to outweigh the harm arising from the provision of housing isolated from any settlement. Despite the provision of an additional two dwellings in an unsustainable location, officers are of the opinion that given the extant consent and the similarity of the benefits offered by the applicant it would be very difficult to sustain a refusal of the current application at appeal. On balance, therefore, the application is recommended for approval.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.26 and 8.27 and;
2. Conditions relating to the matters detailed below (the exact conditions and

the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

Draft summary of conditions, detailed conditions will follow in written updates

1. Standard condition requiring submission of all reserved matters except access
2. Reserved matters to be submitted within 3 years
3. Development to be undertaken within 2 years of approval of reserved matters
4. Development in accordance with application forms, and in general accord with site layout
5. Schedule of materials
6. Finished floor levels
7. Landscape scheme
8. Landscape implementation
9. Arboricultural Method Statement
10. Supervision of arboricultural protection measures
11. Details of services – tree protection
12. Means of access
13. Visibility splays
14. Estate road construction
15. Drainage
16. Details of vehicle tracking
17. Construction Traffic Management Plan
18. Ecology
19. Land contamination
20. Refuse/recycling;

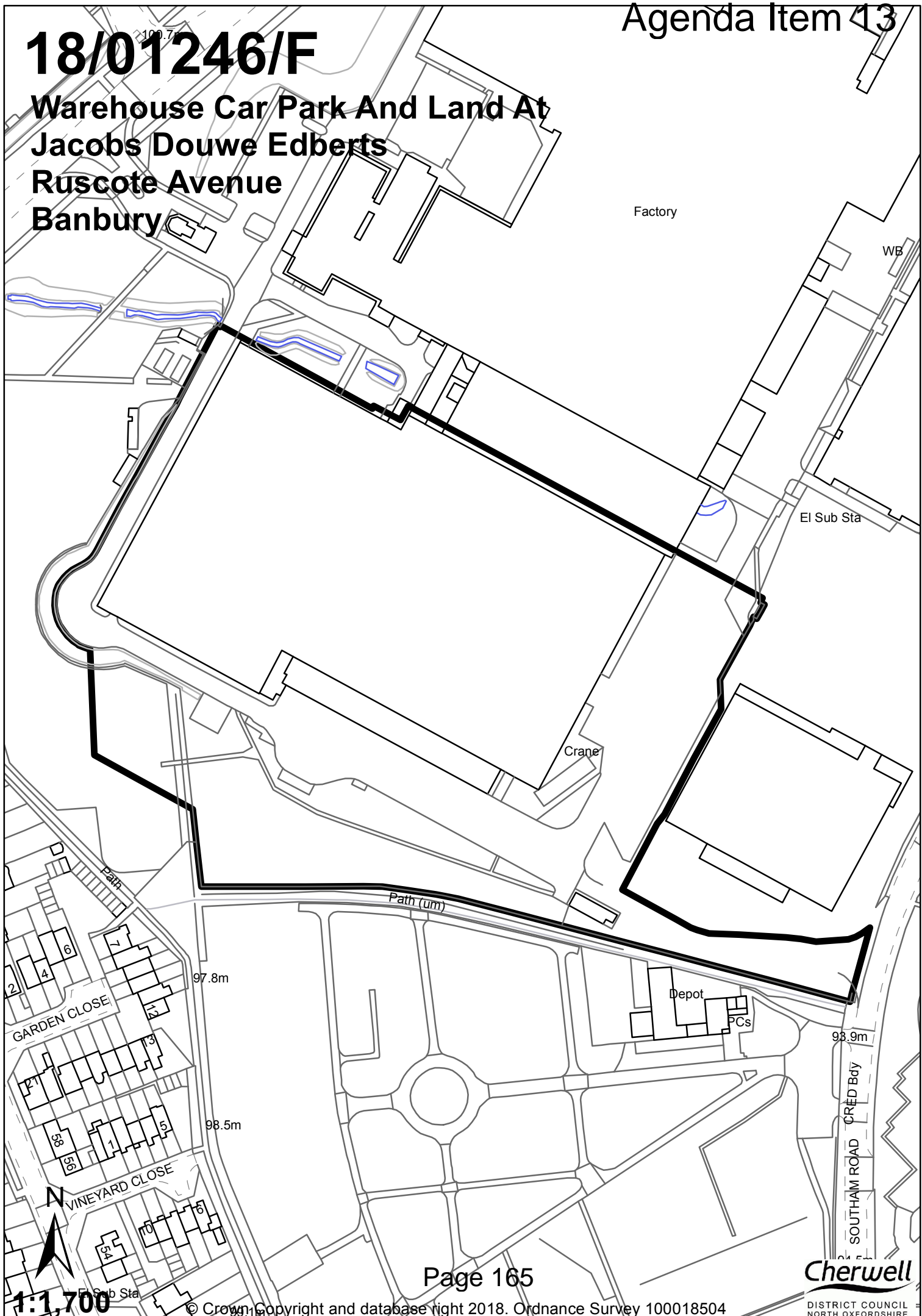
Planning notes relating to compliance with the legal agreement, protected species and Thames Water requirements

CASE OFFICER: Shona King

TEL: 01295 221643

18/01246/F

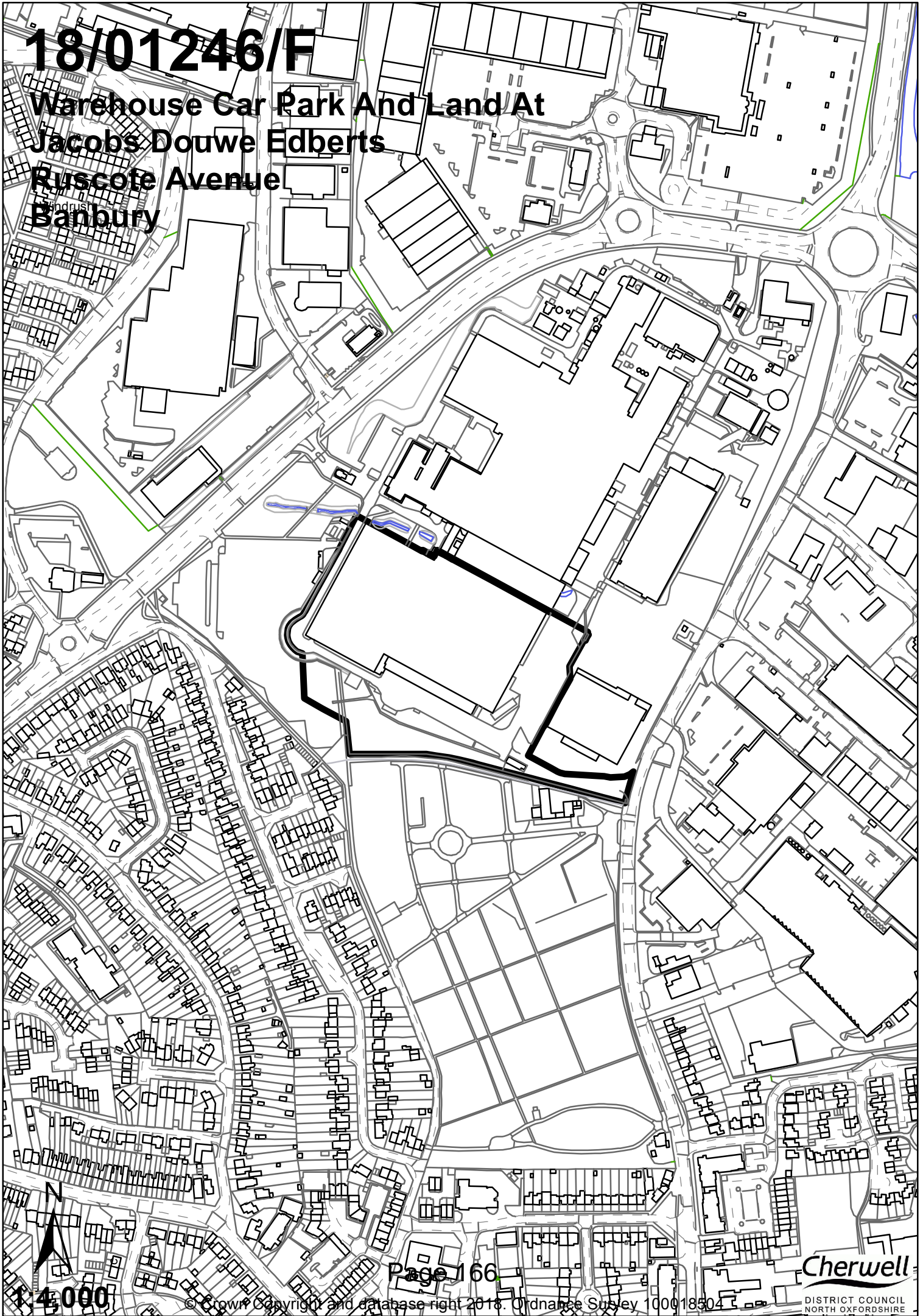
**Warehouse Car Park And Land At
Jacobs Douwe Edberts
Ruscote Avenue
Banbury**



1:1,700

18/01246/F

**Warehouse Car Park And Land At
Jacobs Douwe Edberts
Ruscote Avenue
Banbury**



Applicant:	Paloma Capital And Graftongate		
Proposal:	Change of use of premises from B8 to B1c/B2/B8, including internal and external alterations, demolition of ancillary structures and new access to Southam Road		
Ward:	Banbury Cross And Neithrop		
Councillors:	Cllr Hannah Banfield Cllr Surinder Dhesi Cllr Cassi Perry		
Reason for Referral:	Major application with neighbour interest		
Expiry Date:	24 October 2018	Committee Date:	25 October 2018
Recommendation:	Approve		

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The proposal is to change the use of the existing premises from B8 (storage and distribution) to B1c (business)/B2 (general industry)/B8 (storage and distribution) along with a new access onto Southam Road.

Consultations

The following consultees have raised **no objections** to the application:

- Banbury Town Council
- OCC Highways
- CDC Planning Policy and Environmental Protection

The following consultees have raised **objections** to the application:

- Banbury Civic Society

3 Letters of **objection** have been received.

Planning Policy

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Principle of Development;
- Design, and impact on the character of the area;
- Residential amenity; and
- Highway safety

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION – GRANT PERMISSION SUBJECT TO CONDITIONS AND LEGAL AGREEMENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is an existing vacant, brick built, warehouse, located to the north of Southam Road in Banbury. It is bounded to the immediate south by a Cemetery, the car parking area and Ruscote Avenue to the west, an existing factory to the north and a Waitrose Supermarket to the east, with Southam Road beyond that to the east. The existing site measures approximately 37,110 square metres with the building creating a footprint of approximately 18,250 square metres.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Consent is sought for the change of use of the building, which is currently authorised for B8 (Storage and Distribution) use. Access is to be taken from Southam Road utilising the service road to Waitrose and HGV and car parking is to be provided to the eastern and southern boundaries resulting in the increase in hard surfacing around the building.
- 2.2. The building is also to be re-clad with light and dark grey and silver coloured profiled metal cladding. New doors and windows are proposed in the elevations.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
15/00831/F	Proposed development of a new Waitrose food store with car parking and access arrangement onto Southam Road. Demolition of existing building.	Application Permitted
17/01953/F	Hardstanding and installation of a culvert for the purpose of the industrial undertaking of JDE	Application Permitted

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
17/00342/PREAPP	Extension of hard surfacing/car park and yard areas. Recladding of external façade. Replacement of existing dock and loading doors. Addition of new first floor office area.

4.2. The advice given was that the principle of the development was likely to be acceptable but comments from OCC Highways and CDC Environmental Protection should be taken into account in any submission.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 04.09.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. The issues raised by third parties are summarised as follows:

- Noise
- Hours of operation
- Traffic generation
- Traffic congestion

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BANBURY TOWN COUNCIL: **No objection**

STATUTORY CONSULTEES

6.3 OCC HIGHWAYS:

Original comments –

Object. They comment that whilst the principle of the development is supported, there are some issues with the planning application that are not fully addressed.

- The proposals do not demonstrate safe and suitable access to the site for all people (NPPF).
- Travel Plan has not been provided contrary to NPPF.
- The proposal does not fully demonstrate whether traffic arising from the site can be accommodated safely and efficiently on the transport network, contrary to Policy SD1 of Oxfordshire Local Transport Plan 3 and NPPF.

Revised comments following receipt of additional information –

No objection subject to conditions relating to approval of car parking and cycle parking detail, provision of a safe pedestrian walkway within the site, travel plan and drainage.

NON-STATUTORY CONSULTTEES

6.3. CDC PLANING POLICY: **No objection**

6.4. CDC ENVIRONMENTAL PROTECTION:

Original Comments:

Noise: I note that residents have commented that they are worried about the potential for noise coming from the re-opened site and that there have been issues in the past but having checked our records I am unable to find any contact regarding this.

I am pleased to see that a fence is being erected to reduce the noise transfer to the nearby residential properties however I feel that could be improved further by extending the fence further around and further along the west/north-western boundary line. In addition there is also a discrepancy between the design and access statement (3.5) and the Noise Assessment as to the location of the fence. In my opinion the location of the fence should be more in line with that shown in the design and access statement as it is nearer the source which should help to reduce the noise form the site. I would like to see and agree the final actual location of the fence prior to any approval and it should be in place before the first operation of the site.

In addition I would like to see a noise management plan agreed which would include details of how the site will be managed to prevent as much as possible disturbance to the residential neighbours including such things as lorry idling, reducing sound from metal cages possibly being used amongst other things.

Contaminated Land: No comments

Air Quality: We would like to see provision made in the car park that would encourage the uptake of EV such as charge points.

Odour: No comments

Light: No comments

Officer Comment: In response to the above concerns, the applicant was agreeable to extending the fence line to provide further mitigation. In regard to the noise management plan, the applicant advised that a noise assessment has been submitted with the planning application which concludes that no adverse impact will arise. Given the mitigation measures incorporated into the proposals, we see little justification to prepare a noise management plan.

Revised comments following receipt of additional information –
No objections

6.5. CDC ECONOMIC DEVELOPMENT: **No comment to date**

6.6. BANBURY CIVIC SOCIETY: **Comment** in relation to traffic generation and the impact on Southam Road. They also comment that whilst they do not object to the building being brought back into use this must be weighed against the adverse

effect on traffic here and the wider town. Likewise the impact on neighbours must be weighed against the economic benefits.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- SLE2 – Securing Dynamic Town Centre
- SLE4 - Improved Transport and Connections
- ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment
- PSD1: Presumption in Favour of Sustainable Development
- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Development likely to cause detrimental levels of pollution

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of Development;
- Design, and impact on the character of the area;
- Residential amenity; and
- Highway safety

Principle of the development

8.2 Policy PSD 1 of the Cherwell Local Plan 2011 - 2031 Part 1 echoes these aspirations and states that wherever possible, development should improve the economic, social and environmental conditions in the area.

8.3 Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1 states that employment proposals at Banbury will be supported if they meet the following criteria:

- *Are within the built up limits of the settlement unless on an allocated site*
- *They will be outside of the Green Belt, unless very special circumstances can be demonstrated*
- *Make efficient use of previously-developed land wherever possible*
- *Make efficient use of existing and underused sites and premises increasing the intensity of use on sites*
- *Have good access, or can be made to have good access, by public transport and other sustainable modes*
- *Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings*
- *Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.*

8.4 The proposal is within the built up limits of Banbury; is outside of the Green Belt; makes efficient use of the site; has good access and can be easily accessed by public transport; does not affect the design or character of the area; and does not have an adverse effect on surrounding uses. The proposals are, therefore considered to be in accordance with Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1.

Design and impact on the character of the area

8.5 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

8.6 Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 states that: “*New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.*”

8.7 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

8.8 The proposal involves the cladding of the building with profiled metal sheeting and the alteration in the position/size/number of doors and windows. The style of the new works is considered to be compatible with the context and therefore the works would not have a significant impact on the visual amenities of the area.

8.9 The hardsurfacing around the site is to be increased to enable access and parking for vehicles. However, given the location behind the Waitrose building when viewed from Southam Road and the industrial context of the site this additional hardsurfacing and subsequent reduction in green space would not detract significantly from the visual amenities of the area.

8.10 The application is therefore considered to comply with Policy ESD15 of the CLP 2031, saved Policy C28 of the CLP 1996 and relevant paragraphs of the NPPF.

Residential Amenity

8.11 The proposed development relates to an existing B8 warehouse building. It is set off the boundary with adjacent residential properties and having regards to its nature, scale and positioning; the proposed change of use would not result in any material harm to the living conditions of neighbouring residents.

8.12 The CDC Environmental Protection Team has been consulted on the application and has raised no objections to the change of use following the receipt of an amended plan showing the increase in fencing to the western/north western boundary.

Highway safety

8.13 The existing parking servicing the site is situated to the north of the site in an elevated area, accessed off Ruscote Avenue. The workers and visitors parking is proposed to be repositioned to the south of the site in an area which is currently largely tarmacked and is currently utilised for the parking of HGV's. The proposed area would remain largely the same with a further area of tarmac to the south of the existing. The proposed area would relocate the majority of the parking to this area.

8.14 The access to the site is to be relocated, with the existing access from Ruscote Avenue closed, and access to be taken from the new access which has been created off Southam Road. This currently services the rear of the Waitrose Supermarket.

8.15 Following discussion during the course of the application and the submission of amended modelling work, the local highway authority is satisfied that the proposal would not result in detriment to highway safety. Adequate parking and turning is to be provided within the site and the access from Southam Road is now shown to be suitable for large vehicles. The proposed development would have a negligible impact on traffic flow and congestion on the surrounding highway network.

Planning Obligations

8.16 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. New development often creates a need for additional infrastructure or improved community services and facilities without which there could be a detrimental effect on local amenity, service provision, and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for or contribute towards the cost of all or part of the additional infrastructure/services necessary to make the development acceptable. Obligations are the mechanism to secure these measures.

8.17 In respect of planning obligations the NPPF advises at paragraph 56 that these should only be sought where they meet all the following tests:

- Necessary to make development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in kind and scale to the development.

8.18 Having regard to the above the contributions towards public transport infrastructure are sought in the event that planning permission was to be granted. The contributions would be towards a pair of Premium Route bus stop pole /flag /information cases and two shelters.

9. PLANNING BALANCE AND CONCLUSION

9.1 The principle of the change of use is considered to be acceptable in accordance with Policies SLE1 and Government guidance contained within the NPPF. Furthermore, there would not be a detrimental impact on visual amenity, or residential amenity. However until it can be demonstrated that safe and suitable

access to the site for all people can be achieved, the proposed development would result in detriment to highway safety and is considered to be contrary to the guidance set out in the NPPF.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.18 and;
2. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

Draft summary of conditions, detailed conditions will follow in written updates

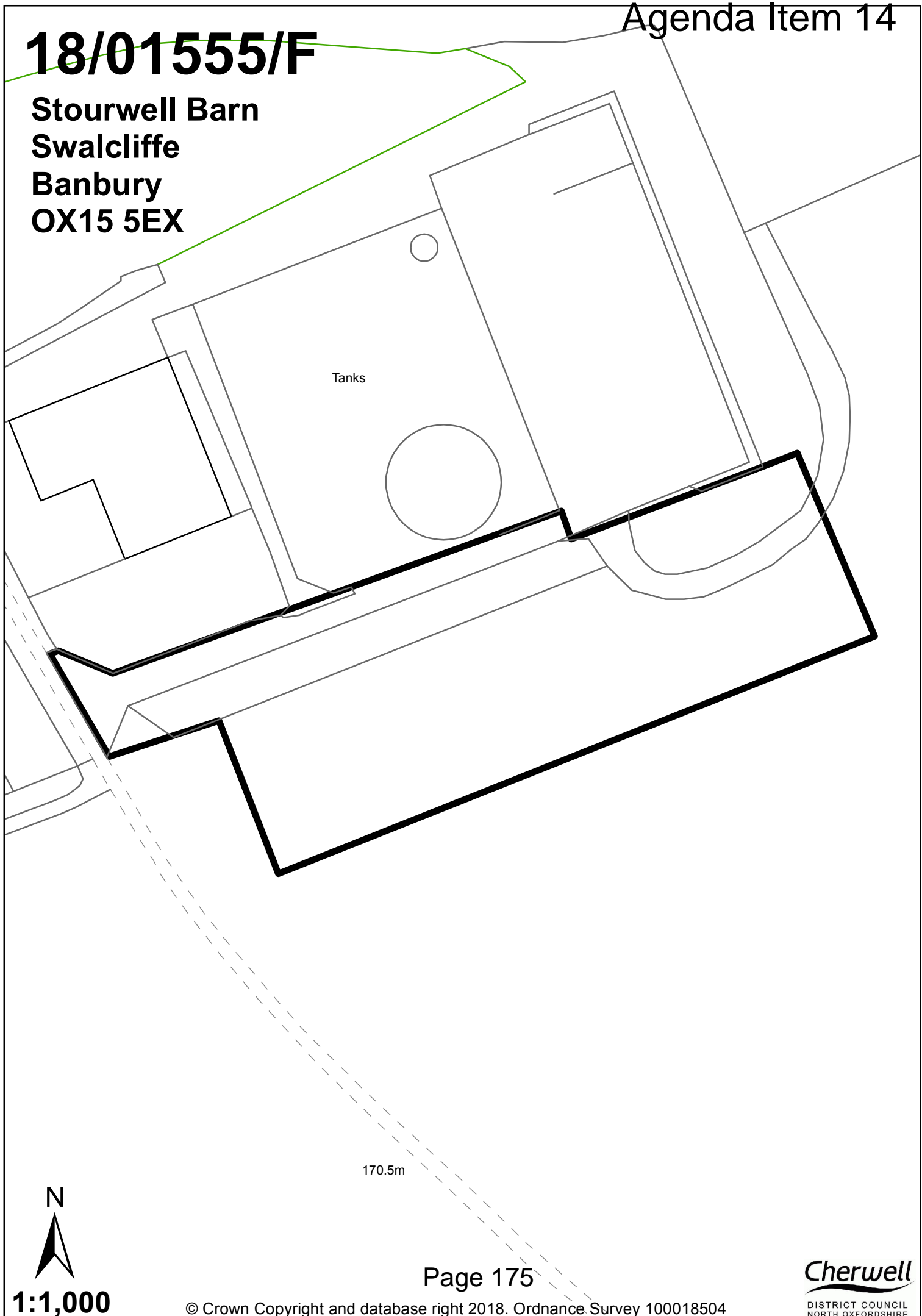
1. Time Limit
2. Compliance with the Approved plans
3. Boundary fence to be constructed prior to first use of the building to protect neighbour amenity
4. Approval of car parking and cycle parking detail
5. Provision of a safe pedestrian walkway within the site
6. Travel plan
7. Drainage
8. Provision in the car park that would encourage the uptake of EV such as charge points

CASE OFFICER: Shona King

TEL: 01295 221643

18/01555/F

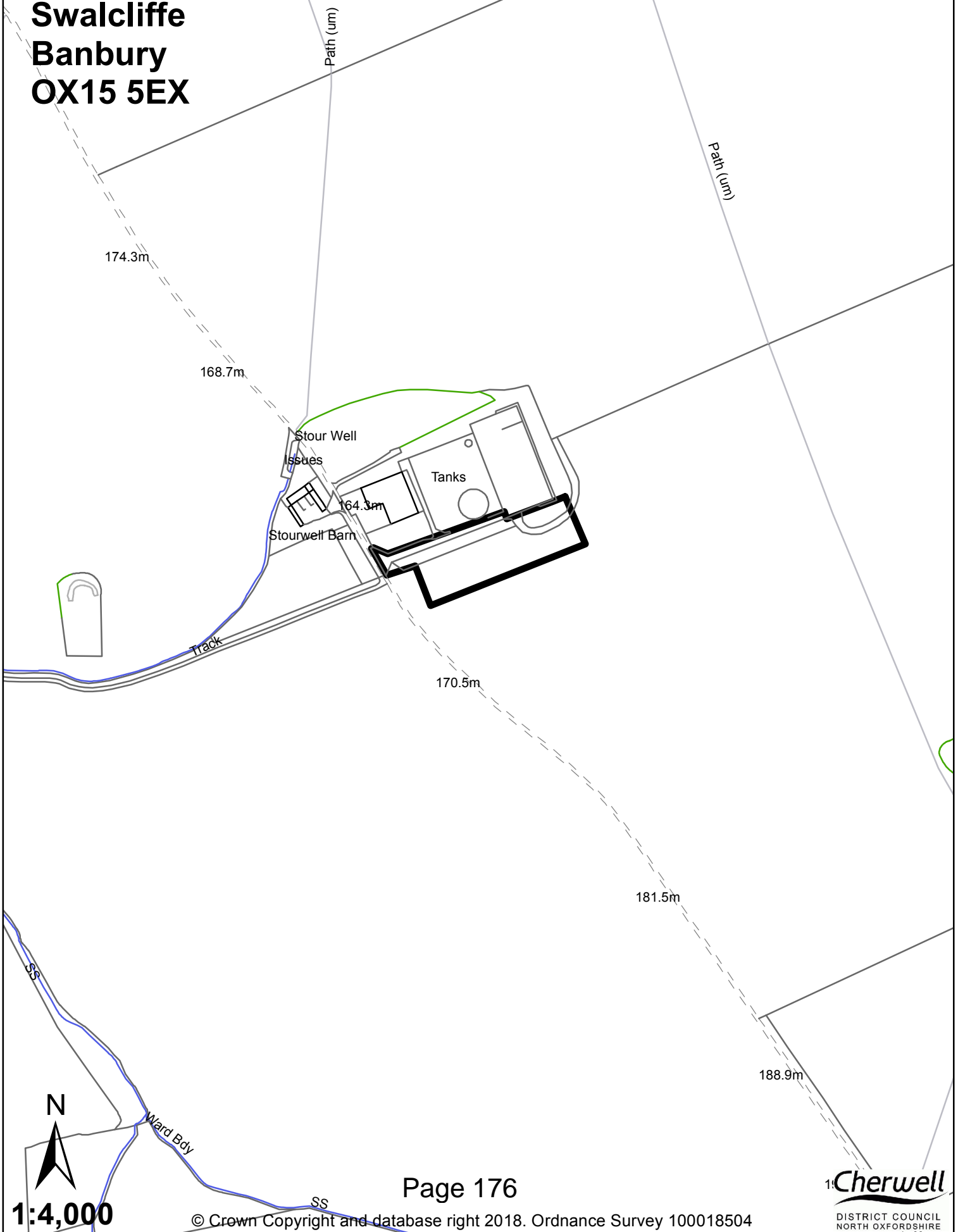
**Stourwell Barn
Swalcliffe
Banbury
OX15 5EX**



1:1,000

18/01555/F

Stourwell Barn
Swalcliffe
Banbury
OX15 5EX



1:4,000

**Stourwell Barn
Swalcliffe
Banbury
OX15 5EX**

18/01555/F

Applicant: Mr & Mrs Taylor

Proposal: New agricultural building, extension to silage clamp, works to existing bund and screen planting - re-submission of 18/00189/F

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr George Reynolds
Cllr Douglas Webb
Cllr Phil Chapman

Reason for Referral: The proposals constitute major development

Expiry Date: 28 November 2018 **Committee Date:** 25 October 2018

Recommendation: Approval subject to conditions

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The site is an area of agricultural land adjacent an existing anaerobic digester plant located on the single track road between Swalcliffe and Tadmarton Heath within open countryside.

The application seeks planning permission for the extension of a silage clamp which serves the existing anaerobic digester plant and further for a new agricultural building to serve existing farming operations within the area, with associated hardstanding and landscaping.

Consultations

No objections have been raised by any statutory or non-statutory consultees

(No comments have been received from Swalcliffe Parish Council at the time of preparation of this report)

No comments have been raised by third parties.

Planning Policy

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Visual amenity, and impact on the character of the area
- Residential amenity

- Highway safety
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that, subject to conditions, the scheme meets the requirements of relevant CDC Development Plan policies and therefore that the proposals are acceptable.

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is an area of agricultural land adjacent an existing anaerobic digester plant located on the road between Swalcliffe and Tadmarton Heath within open countryside. The site is located in a natural depression within the topography of the surrounding landscape, with the area characterised by extensive rolling arable fields. To north-west is Stourwell Barn a residence also in the applicant's ownership.
- 1.2. In terms of site constraints, Public Rights of Way cross land north (Footpath 374/6/20) and east of the site (Bridleway 374/7/40); with further routes within the wider area. The site sits partially within a buffer zone surrounding an area of potentially contaminated land and an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the extension of a silage clamp which serves the existing anaerobic digester plant and further for the erection of a new agricultural building to serve existing farming operations within the area, with associated hardstanding and landscaping.
- 2.2. The proposed silage clamp would be extended by 25 metres in a northerly direction continuing the levels and form of the existing storage area.
- 2.3. The proposed new agricultural building would of a typical modern agricultural design measuring 24m x 48.8m with an overall height to the ridge of ~10.6m, providing some 1175 sq m of general agricultural storage floor space, replacing existing facilities no longer available to the applicant. The proposed building would be of a modern agricultural style with concrete and corrugated panel walls under a corrugated sheet roof, with roller shutter doors.
- 2.4. The current application follows the withdrawal of an earlier application (18/00189/F) for the same development, withdrawn to allow for a more detailed landscape and visual impact assessment to be prepared, which has been submitted with this current application.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
10/00318/AGN	Proposed Grain store with a lean to on side for parking equipment	Prior Approval Not Required
12/01588/F	Proposed on-farm anaerobic digestion facility	Application Permitted
13/00902/DISC	Discharge of Conditions 3 (Landscaping), 6 (Bat and Bird Boxes), 8 (Written Scheme of Archaeological Investigation), 9 (Archaeological Evaluation and Mitigation) & 12 (Construction Traffic Management Plan) of 12/01588/F	Application Permitted
17/00989/F	Erection of building to provide new timber stable	Application Permitted
18/00189/F	New agricultural building, extension to silage clamp, works to existing bund and screen planting	Application Withdrawn

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 11.10.2018.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SWALCLIFFE PARISH COUNCIL: **No comments received.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections.**
- 6.4. LOCAL DRAINAGE AUTHORITY: **No objections**, subject to a condition requiring the submission and approval of a surface water drainage strategy.

NON-STATUTORY CONSULTEES

- 6.5. BUILDING CONTROL: **No objections.**
- 6.6. ENVIRONMENTAL PROTECTION: **No objections.**

- 6.7. LANDSCAPE SERVICES: **No objections**, subject to conditions in relation to the submission and approval of a detailed landscaping scheme.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

- PSD1: Presumption in Favour of Sustainable Development
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Visual amenity, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology and Biodiversity

Principle of development:

- 8.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental.
- 8.3. The NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the

development and diversification of agricultural and other land-based rural businesses.

- 8.4. Saved Policy AG2 of the CLP 1996 is similarly supportive of the principle of farm buildings in the countryside, in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas.
- 8.5. The applicant indicates that the extension to the silage clamp is required to support the on-going operations, and expansion of, of the existing anaerobic digester plant, and would provide additional storage capacity in this respect.
- 8.6. The applicant has indicated that the proposed building is to support the existing farming operations (a holding of some 480 hectares) and would replace buildings previously occupied at Swalcliffe Grange, which are no longer available due to a change in ownership. Officers have no evidence to suggest otherwise and are satisfied that there is a genuine agricultural need for a building in the location proposed.
- 8.7. As a consequence, the principle of the erection of a new farm building in this rural location is considered acceptable in general sustainability terms provided that it is sympathetic to its rural setting and subject to further considerations discussed below.

Visual Amenity, and Impact on the Character of the Area:

- 8.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.9. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 8.10. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.11. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 8.12. The site is located in a natural depression in the undulating rural landscape. The existing site is largely screened to views from the north by an established woodland area adjacent the site and from the east by existing land levels. Views of the existing site are experienced from the adjacent lane west of the site and also from the south. There is more recent landscape planting (previously approved in relation to the anaerobic digester plant under 13/00902/DISC) which would look to further screen the site along its eastern and southern boundaries once established. However, at the time of the site visit this planting had yet to sufficiently establish its potential as an effective natural screen.
- 8.13. The proposed extension to the existing silage clamp would be of the same form as existing and it is considered that the proposal would not result in any significant

detrimental visual impacts given the topography of the surrounding landscape and existing buildings.

- 8.14. The proposed new agricultural building is of utilitarian modern agricultural style with bays divided by regularly spaced steel stanchions to support a corrugated sheet roof, with concrete and corrugated panel walls and roller shutter doors. Whilst the building is relatively large at close to 10.6m in height to its ridge and close to 49m in length, it would sit adjacent the existing anaerobic digester plant and associated similarly modern agricultural buildings and structures; and views of the new-build would be framed in the context and back-drop of these existing buildings and structures, which are relatively commonplace within the countryside.
- 8.15. The proposals would in part be located on the site of approved landscaping for the existing development on the site (refs. 12/01588/F and 13/00902/DISC). As a consequence new planting is proposed as part of the scheme which would look to provide a natural boundary to the southern and eastern boundaries once established; with a 10m wide landscape buffer proposed as part of the Landscape and Visual Appraisal report. This proposed landscaping would not only have the effect of screening the proposed new development but also provide a more effective screen than is currently in place; potentially to the betterment of the wider site.
- 8.16. The Council's Landscape Officer raises no objections to the proposal, but notes that the existing new planting has not established and suggests that any proposed planting plan comprises of larger standard trees. It is considered that the required details and planting specifications could be secured through an appropriately worded condition attached to any such permission.
- 8.17. Given the proposed building's siting against the backdrop of the similar existing farm buildings and behind an embankment, it is considered that subject to the implementation of an appropriate landscaping scheme, and appropriate finish materials, the proposed building would not be visually intrusive within the landscape or in any way incongruous when seen either from the public realm from the adjacent lane. The siting and agricultural style of the proposed building ensures that it is visually appropriate to its rural setting in accordance with the aforementioned Development Plan policies and Government Guidance.

Residential Amenity:

- 8.18. Policy ESD15 of the CLP 2031 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 8.19. Given the rural context of the site and that it is not located in close proximity to any residential properties (Stourwell Barn, also in the applicant's ownership, being the closest some 90m north-west) it is considered that there would be no significant harm resulting from the proposals on the residential amenity of neighbours.

Highway Safety:

- 8.20. The LHA has assessed the proposals and raises no objections on highway safety grounds, and officers see no reason not to agree with this opinion. The site is served by an existing access which would not be affected by the proposals and would be appropriate in terms of its geometry in handling large agricultural vehicles.
- 8.21. Given that the proposed building would be supporting existing agricultural operations on surrounding land and would be effectively replacing existing facilities, and the extension to the silage clamp would serve the existing anaerobic digester plant, it is considered that the proposals are unlikely to give rise to significant vehicle movements above those currently experienced.
- 8.22. It is therefore considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

Ecology and Biodiversity:

- 8.23. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.
- 8.24. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals. The proposals include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

Other Matters:

- 8.25. The site is not located within an area known to be at a high risk of flooding. The proposals would result an increase in the built form at the site and as such a reduction in permeable surfaces for percolation of rain water into the ground. The application form indicates that a soak-away is proposed to provide surface water drainage, however insufficient details are provided at this stage of its size and location to be able to conclude that it is acceptable. The County Council as Local Drainage Authority consider that whilst the application is deficient in drainage information at this stage that an appropriate strategy could likely be developed and further details could be secured by condition. Consequently a condition is recommended requiring the submission and approval of details of surface water drainage measures prior to commencement of development.
- 8.26. The site within a buffer zone surrounding an area of potentially contaminated land associated with a former quarry use within the area and the use of the adjacent anaerobic digester plant. The application is supported by a detailed Environmental Desk Study and Preliminary Risk Assessment report which concludes that the risk of contamination is low and that no further investigation is required. The Council's Environmental Protection Team has reviewed the report and raises no objections to the proposals. It is considered unlikely that contamination would affect the development, and that any unsuspected contamination encountered during construction, should such occur, could be appropriately dealt with by way of condition attached to any permission requiring approval of an acceptable remediation strategy; to ensure that it does not pose an unacceptable risk to workers, ground water or surface water.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposal would not adversely affect residential amenity or local highway safety, and further subject to approval of further details being secured in relation ecology and biodiversity and surface water drainage, the proposals would not be to the detriment of such matters. Having regard to the scale and form of the proposals, they are considered to be sympathetic to the rural context and subject to conditions

regarding materials and landscaping, the proposals would not significantly adversely affect the character of the site or its setting within the wider landscape.

- 9.3. The proposals would provide social and economic benefits by supporting both the existing anaerobic digester plant operations and existing agricultural operations within the area. The proposals are not considered to be of any significant detriment to the environment, and in some respects would potentially provide betterment of the site, once the proposed landscaping is fully established.
- 9.4. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of development at the site, which would be broadly consistent with the District's Development Plan policies, which look to support agricultural enterprise and promote new forms of sustainable development. The application is therefore recommended for approval as set out below.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Planning Design and Access Statement (dated August 2018), Environmental Desk Study and Preliminary Risk Assessment report prepared by Apple Environmental (dated April 2018), Landscape and Visual Appraisal report prepared by Crestwood Environmental Ltd (dated 28 August 2018) and drawings numbered: 3210-S1, 3210-A.02.6, 3210-A.02.7, 3210-A.02.9 and 3210-A.02.10.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Surface Water Drainage Scheme

3. No development shall take place until a full surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate and future management plan. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010. The development shall be carried out in accordance with the approved details prior to the first use of the development hereby approved

and shall be maintained in accordance with the management plan thereafter.

Reason: To ensure the proper provision for surface water drainage and to ensure flooding is not exacerbated in the locality and to comply with Policies ESD 6 and ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Schedule of Materials for the building

4. Notwithstanding the details submitted, prior to the commencement of the development hereby approved above slab level, a schedule of materials and finishes for the external walls and roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Submission of Landscaping Scheme

5. Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contamination found during development

7. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

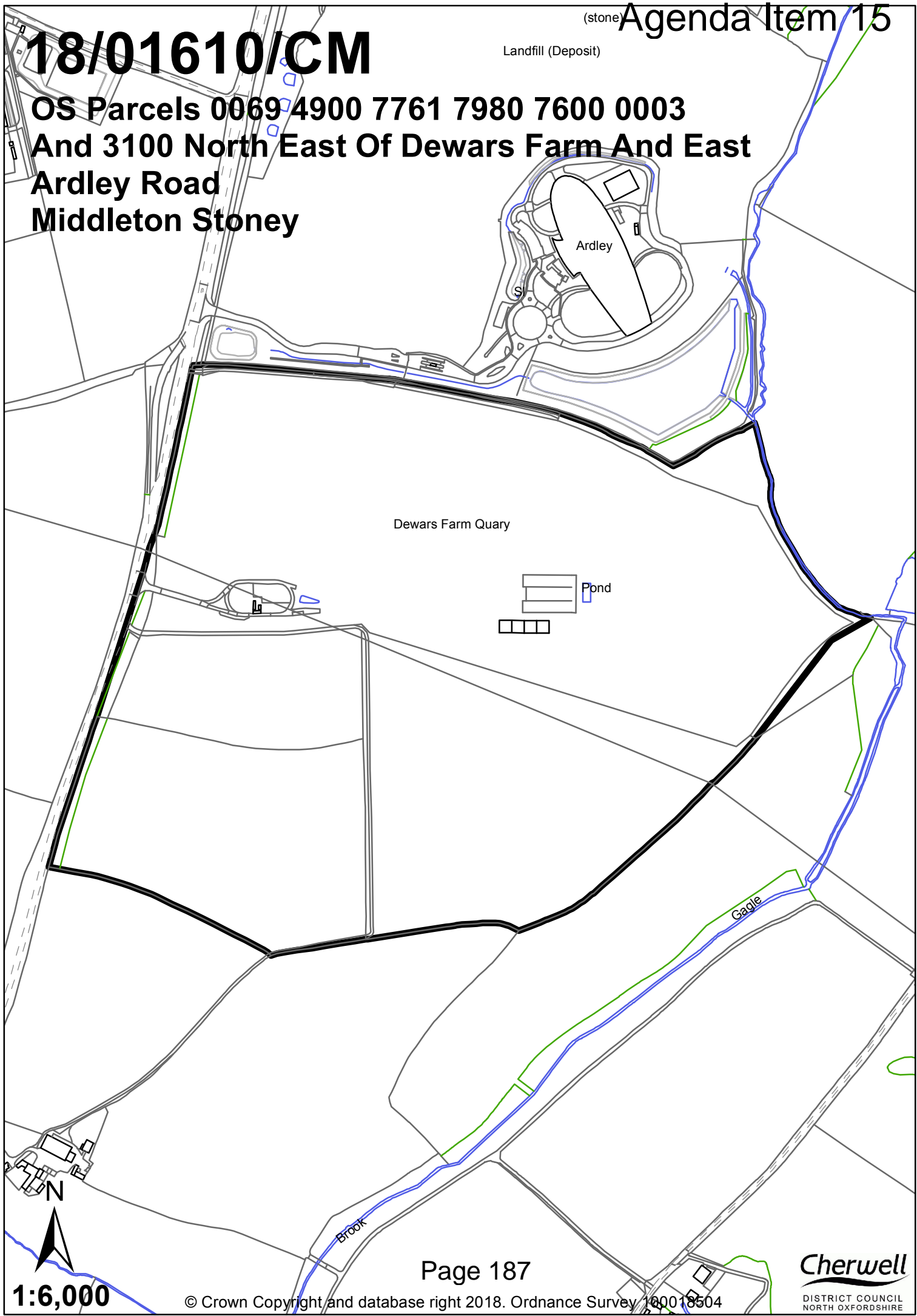
CASE OFFICER: Bob Neville

TEL: 01295 221875

Landfill (Deposit)

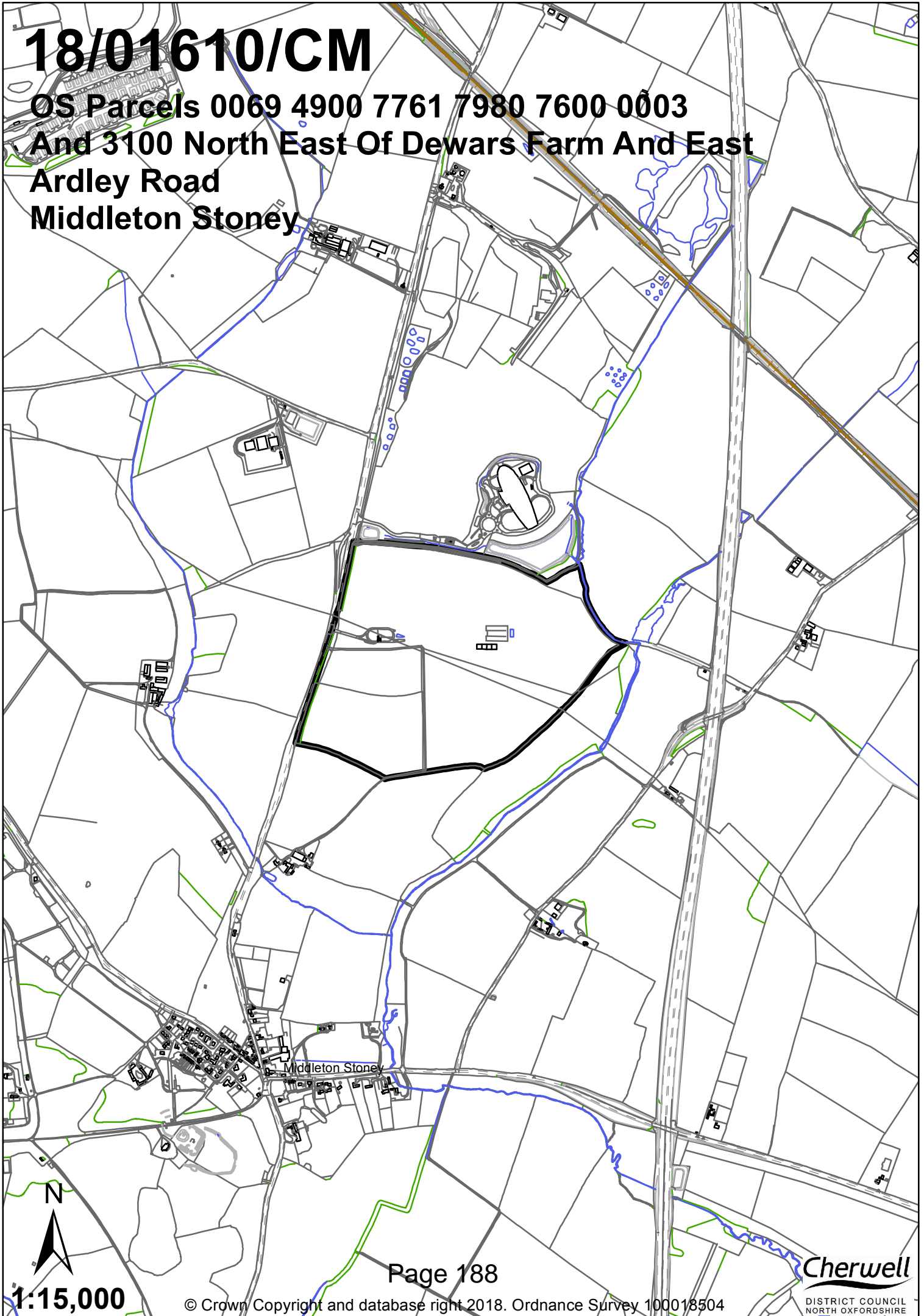
18/01610/CM

**OS Parcels 0069 4900 7761 7980 7600 0003
And 3100 North East Of Dewars Farm And East
Ardley Road
Middleton Stoney**



18/01610/CM

OS Parcels 0069 4900 7761 7980 7600 0003
And 3100 North East Of Dewars Farm And East
Ardley Road
Middleton Stoney



**OS Parcels 0069 4900 7761 7980 7600 0003 And
3100 North East Of Dewars Farm And East
Ardley Road, Middleton Stoney**

18/01610/CM

Applicant: Smith And Sons (Bletchington) Ltd

Proposal: Section 73 application for the continuation of development permitted under 15/01660/CM (MW.0123/15) (for the winning and working of limestone and clay at Dewars Farm as an extension to Ardley Quarry) without complying with conditions 1 and 2, to allow the quarry to continue operating beyond 2020, to permit working until 2028 and restoration by 2029

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: *County Matter application relating to a Major Development*

Expiry Date: 8 October 2018 **Committee Date:** 25 October 2018

Recommendation: That Oxfordshire County Council is advised that Cherwell District Council raise no objection to the proposal

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The application relates to Ardley Quarry, south of the village of Ardley, north of the village of Middleton Stoney and adjacent to the Ardley Incinerator. The site is in close proximity to two public rights of way, and the site forms a part of the Ardley Trackways SSSI.

Ardley Quarry originally gained planning permission for an extension to the quarry for the winning and working of limestone and clay during 2003 following an appeal against the refusal of planning permission. Conditions 1 and 2 were imposed at that time requiring the development to cease by 31 December 2020 and requiring all buildings, plant and equipment to be removed and the restorations complete by 31 December 2021.

Based on the known outstanding reserves and anticipated rate of production and sale, the applicant anticipates that the material would take 10 years to work out.

An extension to the end date for the development is therefore sought in order to ensure that the extraction of material is maximised. The suggested dates are 31 December 2028 for the development to cease, and 31 December 2029 for the buildings, plant and equipment to be removed and restorations complete.

Consultations

As Cherwell District Council is a consultee only, the application has not been publicised. However, internal consultations have been sought from the Environmental Protection Officer with regard to environmental pollution, and the Landscape Officer with regard to visual impact.

Oxfordshire County Council will undertake other relevant consultations.

Planning Policy

The application has been assessed against the relevant policies in the NPPF, the relevant PPG, the adopted Local Plan, and saved Policies from the Cherwell Local Plan 1996.

Conclusion

The key issues on which this application should be assessed are visual impact and environmental pollution.

The report looks into the key planning issues in detail and Officers have concluded that the proposals are acceptable, and that Cherwell District Council should raise no objection to the proposal.

RECOMMENDATION - THAT OXFORDSHIRE COUNTY COUNCIL IS ADVISED THAT CHERWELL DISTRICT COUNCIL RAISE NO OBJECTION TO THE PROPOSAL.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to Ardley Quarry, an existing site for the winning and working of limestone and clay at Dewars Farm. The quarry is positioned to the south of the village of Ardley and to the north of the village of Middleton Stoney. The Ardley Incinerator is directly adjacent to the site to the north. Vehicular access to the site is from the B430. A public footpath runs alongside the south-eastern boundary.
- 1.2. The site also forms part of the Ardley Trackways Site of Special Scientific Interest (SSSI) as it contains white limestone that has revealed the presence of fossilised dinosaur trackways.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks to vary Conditions 1 and 2 that were originally imposed as part of the 2003 permission, although have now been transferred onto the latest permission District Reference: 15/01660/CM County Reference: MW.0123/15 following amendments to the original 2003 permission that have previously been approved. Conditions 1 and 2 relate to the end date of development on site and the date by which the land shall be restored. More specifically, Condition 1 requires the development to cease no later than 31 December 2020, and Condition 2 requires all buildings, plant and equipment to be removed and the restorations completed by 31 December 2021.
- 2.2. The applicant has indicated that due to a slowdown in construction during the recession, output at Dewars Farm decreased from 250,000 tonnes per annum to 100,000 tonnes per annum between 2009 and 2013. Based on the known outstanding reserves and anticipated rate of production and sale, it is anticipated that at the current rate of production (around 250,000 tonnes per annum) the permitted reserve would take 10 years in which to work out.

- 2.3. The extension to the end date for the development is therefore sought by the applicant in order to ensure that the mineral is not sterilised. The applicant anticipates that the mineral should be worked out by 2028 and therefore suggests that Conditions 1 and 2 are amended to require the development to cease no later than 31 December 2028, and for the buildings, plant and equipment to be removed and restorations completed by 31 December 2029.
- 2.4. The site would continue to operate in accordance with all other planning conditions, including those relating to operating times, the use of vehicles, plant and machinery silencers, noise levels, dust suppression, archaeology, avoidance of White Limestone, restricted hours for blasting and drilling, ground vibration, surface water management, the protection of a buffer strip alongside Gagle Brook, and the public footpath and public bridleway, the storage of top soil, wheel washing, maintenance of the internal roads, signage at the site entrance, avoidance of the kerb alongside the B430, aftercare scheme, trees and biodiversity.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
03/00272/CM	Extension to Ardley Quarry and winning and working of limestone and clay	No Objections – Application refused – Appeal Allowed
06/00381/CM	Continued development permitted under 03/00272/CM and APP/U3100/A/03/1129819 to allow winning and working of limestone and clay at Dewars Farm, Middleton Stoney as an extension to Ardley Quarry without complying with condition 23 (to prepare site for working before North Quarry, Ardley closes).	No Objections
09/00431/CM	For the continuation of the development permitted under the permission 06/00381/CM dated 13 April 2006 (for the continuation of the development permitted under permission APP/U3100/A/03/1129819 (and 03/0272/CM) for the winning and working of limestone and clay at Dewars Farm as an extension to Ardley Quarry without complying with condition 23 (to prepare the site for work before Ardley Quarry closes)), without complying with the requirements of Conditions No 21 and 22 (to allow extraction of mineral prior to completion of highway works).	No Objections
14/01202/CM	Continuation of the development permitted under 06/00381/CM for the winning and working of limestone and clay at Dewars farm as an extension to Ardley Quarry without complying with condition 4, to allow the quarry phasing plans to be amended to show a proposed storage area for	No Objections

incinerator bottom ash aggregate (IBAA)
within phase 2.
15/01660/CM Removal of Condition No. 3 of 14/01201/CM No Objections
to allow the removal of an Oak tree within
Phase 4

- 3.2. The planning history indicates that planning permission for the extension to Ardley Quarry was first approved during 2003 when it was allowed at appeal following the refusal to grant planning permission by Oxfordshire County Council. Conditions 1 and 2 were originally imposed by the Inspector as part of the Appeal decision and have been re-imposed following each of the subsequent amendments to the original permission.
- 3.3. Cherwell District Council had raised no objection to the original application ref: 03/00272/CM subject to the following:
- a) The County Council being satisfied that there is a need for the materials and that demand cannot be met from identified areas.
 - b) An archaeological field evaluation being carried out.
 - c) Submission of a Method Statement to address the potential for dinosaur trackways to be within the application site and to ensure their protection and recording.
 - d) An aftercare agreement to ensure appropriate restoration within an appropriate timescale and to ensure implementation of the after-use.
 - e) Appropriate conditions addressing timescale and phasing, restoration, hours of working, control of dust, noise and blasting, landscaping, footpath protection and access arrangements.
 - f) A routeing agreement and signage for HGV's servicing the site to avoid traffic flowing through Middleton Stoney and Weston on the Green villages.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. Cherwell District Council is a consultee only.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 6.2. CDC ENVIRONMENTAL PROTECTION: have no comments to make on the application.
- 6.3. CDC LANDSCAPE OFFICER: raises concern with regard to the approved restoration scheme, as the visual receptors to the public rights of way would benefit from an intervening landscape structure of native trees and hedgerow of the quarry's south-east and east boundaries. The restoration scheme does not include details of maintenance, proposed species, sizes or planting densities.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- ENV1 – Environmental pollution
- C28 – Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

- 8.1. The key issue for consideration in this case is the impact upon the interests of the Cherwell District.
- 8.2. The application seeks to extend the operational life of the existing quarry in order to ensure that the limestone and clay can be fully extracted, and to avoid the material becoming sterilised. Government guidance indicates that since minerals are a non-renewable resource, they should be safeguarded in order to ensure that non-mineral development does not needlessly prevent the future extraction of mineral resources. The unnecessary sterilisation of minerals should be prevented (Planning Practice Guidance: Minerals).
- 8.3. The NPPF advises that great weight should be given to the benefits of mineral extraction, including to the economy. In determining planning applications, minerals planning authorities should recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites (Para. 205 (g))
- 8.4. It is therefore considered that the applicant’s desire for flexibility in their permission in order to avoid sterilisation should be viewed positively, in accordance with the NPPF and the relevant sections of the PPG.
- 8.5. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place.

- 8.6. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 requires development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Saved Policy C28 of the Cherwell Local Plan 1996 seeks development that is sympathetic to the character of its context. Policy ESD13 of The Cherwell Local Plan 2011-2031 Part 1 expects development to respect and enhance local landscape character.
- 8.7. Clearly there would be a delay in the ultimate restoration of the site as a result of an extension to the end date for the development. As a result, the restoration and enhancement of the local landscape would be delayed and the development would continue to impact upon the visual amenities of the area for an additional 9 years. However, whilst delayed, the restoration of the site would continue to be a requirement of the permission and would be secured via a planning condition.
- 8.8. It is therefore considered that as the visual impact of the proposal would only be temporary, and given that great weight must be given to the benefits of mineral extraction, this temporary harm is outweighed by the benefits of the scheme.
- 8.9. The Landscape Officer has raised concern with regard to the adequacy and detail contained within the approved restoration plan, although as this is not proposed for amendment, and it already benefits from consent, it is not considered reasonable to object to the current proposal on this ground.
- 8.10. Saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 8.11. The Environmental Protection Team did not wish to comment on the scheme, and has confirmed that they have received no complaints regarding the site. As previously stated, conditions relating to the prevention of dust, noise, cleanliness and disturbance would continue to apply. Officers do not consider that significant harm to the environment or living amenities would result from the extended lifetime.
- 8.12. The development is considered to accord with Government guidance contained within the NPPF and PPG, Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and ENV1 of the Cherwell Local Plan 1996.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The principle of the proposed variation of Conditions 1 and 2, in order to extend the end date for the quarry from 31 December 2020 to 31 December 2028, and for the restoration of the site from 31 December 2021 to 31 December 2029, is considered acceptable.
- 9.2. The working of the site has already been accepted and established, and Government guidance encourages flexibility with time limits and the prevention of sterilisation of mineral deposits. Whilst it is acknowledged that there will be temporary harm to the visual amenities of the area as a result of the delay, the ultimate restoration of the site would be secured via condition to be completed by 31 December 2029. In addition, the extended end dates are not considered to cause harm to the living amenities currently enjoyed by those living in close proximity to, or travelling near to the quarry.

10. RECOMMENDATION

That Oxfordshire County Council is advised that Cherwell District Council raises no objection to the proposal.

The reasons for reaching this conclusion are summarised below:

- Government guidance contained within the NPPF and PPG attaches great weight to the benefits of mineral extraction and encourage flexibility with timings in order to prevent minerals from becoming sterilised.
- Whilst the temporary harm to the visual amenities of the area would be extended, the ultimate restoration of the site would continue to be secured via planning condition.
- The Environmental Protection Team has no comments to make regarding the scheme and the impact upon environmental pollution and residential amenity is therefore considered acceptable. Previous planning conditions relating to the prevention of environmental pollution would continue to apply.

Officers have considered the overall benefits of the proposals against the harm having regard to the development plan and other material considerations and have concluded that the proposal can be supported, and that Cherwell District Council should therefore raise no objection to the development.

CASE OFFICER: Gemma Magnuson

TEL: 01295 221827

Agenda Item 16

Cherwell District Council

Planning Committee

25 October 2018

Appeals Progress Report

Report of Assistant Director Planning Policy and Development

This report is public

Purpose of Report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **17/01919/F - 30 Arbury Close, Banbury, OX16 9TE** – Appeal by Mrs Fiaz - Change of use of open space to residential and two storey side and part rear extension (revised scheme of 17/00460/F).

17/02561/F - Land On The North Side Of Water Lane, Fewcott – Appeal by Mr and Mrs Douglas - Erection of new two-storey dwelling and associated ancillary buildings

17/00439/F - 49A Castle Street, Banbury, OX16 5NX – Appeal by Teesbourne Properties Limited - Change of Use from Offices to Residential apartments (revised scheme of application 17/00681/F).

Appeals in progress

Public Inquiries:

17/01962/F OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington Appeal by Mr H.L Foster against the refusal of Planning Permission for the Material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding.

Start Date: 04.09.2018 **Statement Due:** 16.10.2018 **Decision:** Awaited

Hearings:

17/02102/F - Chilaway Farm, Sibford Road, Epwell, Banbury, OX15 6LL - Removal of condition 10 (dwelling occupancy) of 17/01619/F.

Hearing Date and venue – 13th November, River Ray Meeting Room, Bodicote House

Written Representations:

17/01463/CLUE Keepers Cover Church Lane Weston On The Green Bicester OX25 3QU. Appeal by Mr & Mrs Maxted against the refusal of a Certificate of Lawfulness of Existing Use for the use of the identified land as residential garden.

Start Date: 14/05/2018 **Statement Due:** 25.06.2018 **Decision:** Awaited

17/01675/M106 Keepers Cover Church Lane Weston On The Green Bicester OX25 3QU. Appeal by Mrs Ruth Maxted against the non-determination of an application for the Modification of Section 106 - Application 97/02148/F

Start Date: 14.05.2018 **Statement Due:** 25.06.2018 **Decision:** Awaited

17/02277/F Keepers Cover Church Lane Weston On The Green Bicester OX25 3QU. Appeal by Mr & Mrs Maxted against the refusal of retrospective Planning Permission for the Change of Use of site edged in red on enclosed OS Extract as private amenity space - Re-submission of 17/00458/F

Start Date: 14.05.2018 **Statement Due:** 25.06.2018 **Decision:** Awaited

17/02315/F Keepers Cover Church Lane Weston On The Green Bicester OX25 3QU. Appeal by Mr & Mrs Maxted against the refusal of Planning Permission for the Erection of 1.5 storey extension, with internal remodelling

Start Date: 14.05.2018 **Statement Due:** 25.06.2018 **Decision:** Awaited

17/02011/F The Stables, The Courtyard, Milton, Banbury, OX15 4SX

Appeal by Mr Martin Smethurst against the refusal of Planning Permission for the Erection of 1 No. three bedroom, 1.5 storey dwelling to land south of the existing house and associated landscaping. Demolition of existing stone boundary wall.

Start Date: 31.07.2018 **Statement Due:** 04.09.2018 **Decision:** Awaited

17/02131/F St Georges Catholic Church, Round Close Road, Adderbury

Appeal by Mr Tim Catling against the refusal of Planning Permission for the Demolition of existing chapel and erection of 1 dwelling.

Start Date: 01.08.2018 **Statement Due:** 05.09.2018 **Decision:** Awaited

17/02203/F 17 The Camellias, Banbury, OX16 1YT

Appeal by Mr Tony Partridge against the refusal of Planning Permission for the Erection of 2 bedroom, 2 storey dwelling and division of existing double garage to provide a single garage and parking for the new dwelling

Start Date: 09.08.2018 **Statement Due:** 13.09.2018 **Decision:** Awaited

17/02292/F Byeways, East End, Hook Norton, Banbury, OX15 5LG

Appeal by Mrs Debbie Lewis against the refusal of Planning Permission for the Erection of a new dwellinghouse.

Start Date: 09.08.2018 **Statement Due:** 13.09.2018 **Decision:** Awaited

17/02366/F Portway Cottage, Ardley Road, Somerton, Bicester, OX25

6NN Appeal by Mr Marvyn Harris against the refusal of Planning Permission for the Change of use from garage/workshop to two bed cottage - Re-submission of 17/00492/F

Start Date: 09.08.2018 **Statement Due:** 13.09.2018 **Decision:** Awaited

17/02014/F South Barn, Street From Wigginton To Swerford, Wigginton, Banbury, OX15 4LG

Appeal by Mr Chris Benians against the refusal of Planning Permission for the Extension to existing dwelling, landscaping, formation of an additional access from the road and change of use of land from agricultural to residential purpose.

Start Date: 15.08.2018 **Statement Due:** 19.09.2018 **Decision:** Awaited

18/00249/OUT Fringford Cottage, Main Street, Fringford, Bicester, OX27

8DP Appeal by Mr Stuart Wright against the refusal of Planning Permission for Residential development of up to 10 dwellings

Start Date: 05.09.2018 **Statement Due:** 10.10.2018 **Decision:** Awaited

18/00956/TPO The Corporate Innovations Co Ltd, 21 Horse Fair, Banbury, OX16 0AH.

Appeal by Tanya Hudson, Corporate Innovations Co Ltd against the refusal of permission to fell to the ground 1 no horse chestnut tree subject to Tree Preservation Order 017/1999.

Start Date: 14.08.2018 **Statement Due:** N/A **Decision:** Awaited

- 2.3 Forthcoming Public Inquires and Hearings between 26 October and the 25 November 2018.

17/02102/F - Chilaway Farm, Sibford Road, Epwell, Banbury, OX15 6LL -
Removal of condition 10 (dwelling occupancy) of 17/01619/F.

Method of determination – Hearing

Date and venue – 13 November, River Ray Meeting Room, Bodicote House

2.4 **Results**

Inspectors appointed by the Secretary of State have:

1. Allowed the Appeal by LNT Care Developments Ltd/Greenlight Developments Ltd for Erection of two-storey 64 bed care home for older people (Class C2 Use) with associated new access (off Skimmingdish Lane), parking and landscaping, and new linear park/public open space. North Of Coopers, Buckingham Road, Bicester – 17/01428/F (Committee)

The appeal related to a refusal of full planning permission for the erection of a 64 bed care home with associated access, parking and landscaping, and the change of use of land to public open space.

The inspector considered the main issue to affect the development was *'whether the location of the proposed development would be consistent with the strategy for development set out within the development plan, with particular regard to public open space'*.

The appeal site is 'reserved' for recreation use by Policy R1 of the CLP 1996 (the inspector commented that the policy itself does not specify how it will be implemented) and the inspector considered the proposal to conflict with this policy.

Policy Bicester 7 of the CLP 2011-2031 seeks to address current and future deficiencies in open space, sport and recreation provision, including by establishing an urban edge park. The inspector considered a path through the site would contribute to linear route provision and the establishment of an urban edge park and therefore the proposal was in accordance with Policy Bicester 7.

The significant need for care home provision within the district and within Bicester was demonstrated by the appellant and acknowledged by the inspector.

The inspector concluded proposal conflicted with the development plan. However, *'the proposal would contribute towards a linear route provision within an urban edge park in accordance with Policy Bicester 7 of the CLP 2011-2031 and would provide a care home that would contribute toward care provision in the area. In addition, there would be benefits to ecology and biodiversity and from the other provisions of the Unilateral Undertaking. I consider that these factors are sufficient material considerations to indicate planning permission should be granted in this instance.'*

Other matters:

As part of appeal it was requested that the inspector review all of the requirements/contributions of the unilateral undertaking.

With regards to hedgerow and public open space maintenance contributions, the Council put forward a clear breakdown of costs associated with public open space maintenance to justify the request for a contribution. The inspector concluded the contribution was necessary to

make the development acceptable in planning terms and the request was compliant with CIL regulations.

Oxfordshire County Council was requesting a sum to cover costs associated with travel plan monitoring. Clear justification was provided with a full breakdown of the costs associated with this work. The inspector concluded that travel plan monitoring would be necessary on this development and the costs clearly represented additional officer time involved in the work. Therefore, the request complied with CIL regulations.

The appellant disputed the request for public art provision on the site. The Council suggested that this would consist of something functional for the public realm. Regarding this matter, the inspector concluded *'the public art scheme would assist the development in functioning well and adding to the overall quality of the area as required by the Framework'*.

A final point that is worthy of note, relates to paragraph 11 of the Framework which sets out the presumption in favour of sustainable development. It sets out the so-called 'tilted balance' where there are no relevant development plan policies. There was some discussion about this paragraph during the hearing and whether it applied to the site in question. In the decision letter, the inspector provides clarity on this matter and states: *'It seems to me that a relevant policy would be one that could apply to a particular site or proposal. Consequently, a policy that allocates or designates (or, in this case, reserves) land for some purpose must be a relevant development plan policy'*. Subsequently, he concluded that the 'tilted balance' did not apply to this case.

On the basis of the above, the inspector concluded that the appeal should be allowed subject to appropriate conditions and the requirements set out in the unilateral undertaking.

2. Dismissed the appeal by Mr Ancil for Erection of 1No single storey dwelling and ancillary garage/workshop. OS Parcel 6091 East Of Duiker House, Fencott - 17/02465/F (Delegated)

The Inspector identified the main issues to be:

- Whether or not the proposal would be inappropriate development in the Green Belt
- The effect of the proposal on the openness and purposes of the Green Belt
- Whether the location for the proposal would be environmentally sustainable
- The effect of the proposal on the character and appearance of the area
- If the proposal would be inappropriate whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by any very special circumstances

The Inspector noted that the appeal site was not within the built up limits of the village and was in open countryside, as well as being within the

Green Belt. The Inspector concluded that the proposal amounted to inappropriate development, and that it would result in some loss of openness and would lead to encroachment into the countryside.

The Inspector agreed with the Council that due to its location the proposal would not be in a sustainable location and would increase dependence on private cars.

In terms of impact on the character and appearance of the area, the Inspector opined that no matter how well designed the proposal would appear as an intrusion into the countryside, detracting from its open character. The Inspector also agreed with the Council that the proposal would not reinforce distinctiveness in respect of the local vernacular.

Lastly the Inspector concluded that the very special circumstances necessary to justify the development did not exist.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,
Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:
Nigel Bell, Team Leader – Planning & Litigation
01295 221687, Nigel.Bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:
Nigel Bell, Team Leader – Planning & Litigation
01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clark

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Paul Seckington, Senior Manager of Development Management
Contact Information	01327 322341 paul.seckington@cherwellandsouthnorthants.gov.uk